



CITY *of* CALABASAS

**CITY COUNCIL AGENDA
REGULAR MEETING – WEDNESDAY, JUNE 10, 2015
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.

OPENING MATTERS – 7:00 P.M. (TO COMMENCE AT 7:30 P.M.)

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

ANNOUNCEMENTS/INTRODUCTIONS – 7:40 P.M.

- Adjourn in memory

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

CONSENT ITEMS – 7:55 P.M.

1. [Approval of meeting minutes from April 22, 29 and May 27, 2015](#)
2. [Adoption of Resolution No. 2015-1458, levying special taxes within City of Calabasas Community Facilities District No. 2006-1; and adoption of Resolution No. 2015-1459, levying special taxes within City of Calabasas Community Facilities District No. 98-1](#)

3. [Approval of professional services agreement with G2 Construction, Inc. for fabrication and installation of citywide storm drain catch basin curb screens in the amount of \\$1,077,380; and amendment of PSA with California Green Consultant in the amount of \\$50,000](#)
4. [Adoption of Resolution No. 2015-1464 recognizing July as "Parks & Recreation Month" in the City of Calabasas](#)
5. [Recommendation to approve a professional services agreement with Martin & Chapman for election services for an amount not to exceed \\$60,000](#)
6. [Adoption of Resolution No. 2015-1463 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District for the 2015 Countywide Competitive Grant Program](#)

OLD BUSINESS – 8:00 P.M.

7. [Adoption of Resolution Nos. 2015-1460 and 2015-1461 for the submission to the voters a binding question relating to open space for the November 3, 2015, General Municipal Election](#)
8. [Council position on Senate Bill SB 32 \(Pavley\) regarding Climate Pollution Reduction Beyond 2020: Healthier Communities and a Stronger Economy](#)

NEW BUSINESS – 8:30 P.M.

9. [Introduction of Ordinance No. 2015-326 amending in its entirety the Calabasas Municipal Code Chapter 8.28 relating to low impact development and stormwater management and pollutant control; and adoption of Resolution No. 2015-1467 approving the City of Calabasas Green Street Policy](#)

PUBLIC HEARING – 8:40 P.M.

10. [Fiscal Year 2015-2016 levy of assessments in connection with the Landscape Lighting Act Districts and adoption of Resolution No. 2015-1450, approving a final Engineer's Report in connection with Landscape Lighting Act District Nos. 22, 24, 27 and 32 and confirming diagrams and assessments for such districts](#)

11. An appeal of the Planning Commission's decision to certify the adequacy of an Environmental Impact Report and approve a project application for (1) A site plan review; (2) A variance (to build on a significant ridgeline); (3) An oak tree permit (to encroach into the projected zone of 25 oak trees and for potential thinning of scrub oak as necessary for fuel modification); and (4) A scenic corridor permit (for development within a designated scenic corridor) to allow for construction of a 7,633 sq. ft. single-family residence with an attached 661 sq. ft. garage, 1,320 sq. ft. basement, and appurtenant accessory structures on a previously graded pad on an existing legal 5-acre lot located at 3121 Old Topanga Canyon Road (APN 2072-023-013) within the Hillside Mountainous (HM) Zoning District and Scenic Corridor (SC) Overlay Zone

INFORMATIONAL REPORTS – 10:15 P.M.

12. Check Register for the period of May 20-27, 2015

TASK FORCE REPORTS – 10:20 P.M.

CITY MANAGER'S REPORT – 10:25 P.M.

FUTURE AGENDA ITEMS – 10:28 P.M.

ADJOURN – 10:30 P.M.

The City Council will adjourn in memory of Hal Exler to their regular meeting scheduled on Wednesday, June 24, 2015, at 7: 00 p.m.

**MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, APRIL 22, 2015**

Mayor Martin called to order the Closed Session portion of the meeting at 6:05 p.m. in the Council Conference Room, 100 Civic Center Way, Calabasas, California. All members of the City Council were present.

CLOSED SESSION

1. Conference with legal counsel, anticipated litigation, one case, Government Code section 54956.9 (d)(2)e)(2)- Las Virgenes Municipal Water District claim for UUT refund
2. Conference with legal counsel anticipated litigation – one case. Government Code §54956.9(d)4

The Council convened to Open Session at 7:03 p.m.

ROLL CALL

Present: Mayor Martin, Mayor pro Tem Bozajian, Councilmembers Gaines, Maurer and Shapiro
Absent: None.
Staff: Ball, Cohen, Coroalles, Hernandez, Holden, Howard, Huncke, Lysik and Yalda.

The Pledge of Allegiance was led by Girl Scout Troop 2626.

APPROVAL OF AGENDA

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

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

ANNOUNCEMENTS/INTRODUCTIONS

- Adjourn in memory

Mayor Martin announced that the meeting would be adjourned in memory of former Rotarian, Jim Doran and presented the family with a certificate of adjournment. Councilmembers expressed condolences to the family.

Mr. Howard announced that in Closed Session Item No. 1, the Council unanimously approved a proposed settlement agreement with the LVMWD for a Utility Users Tax refund claim. In regard to Item No. 2, Mr. Howard reported that the Council directed no litigation be filed against a particular party at this time.

Members of the Council made the following announcements:

Councilmember Gaines:

- Wished everyone Happy Earth Day and Happy Administrative Professionals Day.
- Councilmember Shapiro and he were at Chaparral Elementary on April 22 for their Farmer's Market Jamboree.
- Mrs. Gaines and he took the LVMWD's landscaping class that teaches how to replace lawn.
- The Chamber is hosting a mixer on April 23 and the annual wine tasting on May 8.
- The CHS Performing Arts Education Center is hosting a fundraiser with Jason Alexander's one man show debuting on April 25.
- Bay Laurel Elementary School's carnival is scheduled on May 3.
- Expressed appreciation to all for their thoughts and prayers for the passing of his father.

Councilmember Maurer:

- The Calabasas Fine Arts Festival will take place on May 2 and 3.
- A mothers' day event to watch Frozen is scheduled on May 9.
- A series of one week camps are scheduled in the summer.

Councilmember Shapiro:

- Expressed condolences to Councilmember Gaines.
- A fundraiser for Loving Home Hospice will take place on April 24 at Golden Spoon.
- The Rotary Club of Calabasas will host the annual Canine Classic on April 26.
- Law Day is taking place on May 1 in the Library.
- Calabasas High School Peer Support will be hosting the bully movie for middle school students on May 6.

Mayor pro Tem Bozajian:

- Dedicated his announcements to the 100th anniversary of the Armenian Genocide.

Mayor Martin:

- A fundraiser was held for the upcoming visit from Special Olympians from England. She encouraged the community to volunteer.
- Showcased a video releasing sea lion pups into the ocean after being cared by the California Wildlife Centers Marine Mammal Rescue Team.

PRESENTATIONS

- LVMWD impacts on drought

Dave Pedersen provided a presentation.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Lynda Lo-Hill spoke during public comment.

CONSENT ITEMS

1. Approval of meeting minutes from April 8, 2015
2. Recommendation from the Parks, Recreation and Education Commission to:
1. Award contract to Malibu Pacific Tennis Courts, Inc. in the amount of \$88,000 for the installation of a USTA 8 and under tennis court; 2. Allocate \$17,700 for site drainage, landscaping and shaded shelter and seating at the Calabasas Tennis & Swim Center
3. Authorization to approve budgeted funding and change order for Newbury Park Tree Service in the amount of \$21,500 for FY2014-2015 for regular monthly tree maintenance within Landscape Lighting Act District Nos. 24, 27 and 32 in the City of Calabasas
4. Authorization to approve budgeted funding and change orders for Venco Western, Inc. in the amount of \$1,453,960 for FY2015-16 for regular monthly landscape maintenance and authorized extra work in nine specified zones as part of Specification No.10-11-02 Landscape Maintenance of Common Benefit Areas within Landscape Maintenance District 22 and common areas of specified homeowner associations within Landscape Lighting Act District No. 22
5. Adoption of Resolution No. 2015-1447, initiating proceedings for the levy and collection of assessments within Landscape Maintenance District No. 22 and Landscape Lighting Act District Nos. 22, 24, 27 and 32 and ordering a preliminary Engineer's Report; Adoption of Resolution No. 2015-1448, approving a preliminary Engineer's Report with respect to the levy and collection of assessments in connection with Landscape Lighting Act District Nos. 22, 24, 27 and 32 for Fiscal Year 2015-2016; Adoption of Resolution No. 2015-1549 declaring its intent to levy and collect assessments within Landscape Maintenance District No. 22 and Landscape Lighting Act District Nos. 22, 24, 27 and 32 and setting time and place for public hearing

6. Adoption of Resolution No. 2015-1446 to approve a summary vacation of 1,103.78 square feet of real property known as Hummingbird Way located adjacent to 22969 Hummingbird Way within the Residential Single-Family Zoning District
7. Introduction of Ordinance No. 2015-324 pertaining to Chapter 8.12, Second Hand Smoke Control of the Calabasas Municipal Code to correct a clerical error

Item Nos. 2-3 and 6-7 were pulled by Councilmember Gaines, Mayor Martin and Mayor pro Tem Bozajian, respectively.

Councilmember Shapiro moved, seconded by Councilmember Maurer to approve Consent Items No. 1, 4 and 5. MOTION CARRIED 5/0 as follows:

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

After further discussion, Councilmember Gaines moved, seconded by Councilmember Shapiro to approve Consent Item No. 2. MOTION CARRIED 5/0 as follows:

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

After further discussion, Councilmember Maurer moved, seconded by Councilmember Shapiro to approve Consent Item No. 3. MOTION CARRIED 5/0 as follows:

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

After further discussion, Mayor pro Tem Bozajian moved, seconded by Councilmember Maurer to approve Consent Item No. 6. MOTION CARRIED 5/0 as follows:

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

R.L. Embree spoke on Item No. 7.

Staff was directed to review the Municipal Code to ensure that all ordinances adopted during the transition of municipal code publishing companies were properly

published. In addition, the Council requested the second-hand ordinance be agendized to a future meeting.

After further discussion, Mayor pro Tem Bozajian moved, seconded by Councilmember Maurer to approve Consent Item No. 7. MOTION CARRIED 5/0 as follows:

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

The Council recessed at 8:39 p.m.

The Council reconvened at 8:47 p.m.

NEW BUSINESS

8. Adoption of Resolution No. 2015-1451 consenting to inclusion of properties within the City's jurisdiction in the California HERO Program to finance distributed generation renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure

Mr. Coroalles introduced Alex Mitchell to provide an overview of the program.

Councilmember Shapiro moved, seconded by Councilmember Maurer to approve Item No. 8. MOTION CARRIED 5/0 as follows:

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

9. Adoption of Resolution No. 2015-1452 approving documents related to the issuance of the Series 2015 Certificates of Participation (Civic Center) and the execution and delivery of these Certificates of Participation in an amount not to exceed \$43,000,000

Dr. Lysik presented the report.

Councilmember Gaines moved, seconded by Councilmember Shapiro to approve Item No. 9. MOTION CARRIED 5/0 as follows:

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

INFORMATIONAL REPORTS

10. Check Register for the period of April 1-18, 2015

No action was taken on this item.

TASK FORCE REPORTS

Councilmember Shapiro congratulated Mayor pro Tem Bozajian for his appointment as President of the Calabasas-Las Virgenes Historical Society. He also announced his attendance to the League's Policy Committee meeting on April 9.

Councilmember Maurer encouraged the community to sign up for the different events to prepare for the Special Olympiads from England. Councilmember Gaines expressed appreciation to Rod and Toni Yamin for hosting the recent Special Olympics fundraiser and their generous donation. Councilmember Maurer further reported that she has participated in several League Legislative Committee meetings.

Mayor Martin reported that the extra Measure R monies requested by the cities will most likely be approved sometime in May.

CITY MANAGER'S REPORT

Mr. Coroalles reported that bid openings took place for the Mulholland Scenic Corridor and the Las Virgenes Scenic Corridor projects and that contracts would be scheduled for the April 29 workshop.

FUTURE AGENDA ITEMS

Mayor pro Tem Bozajian announced that the April 29 Council workshop is scheduled at 6 p.m.

The Council concurred with Councilmember Gaines to agendize Senate Bill 277 regarding vaccinations; Senate Bill 151 regarding smoking age limit; as well as the vaccination issue at Creekside. Councilmember Gaines also requested staff to track noticing practices and present to Council at a future meeting. Further, Councilmember Gaines requested the next meeting be adjourned in memory of Hal Exler. Councilmember Shapiro requested that a future meeting be adjourned in memory of Councilmember Gaines' father.

The Council recessed to the Calabasas Facilities Corporation at 9:15 p.m.

ADJOURN

The City Council adjourned at 9:19 p.m. in memory of Jim Doran to a special meeting/workshop scheduled on Wednesday, April 29, 2015, at 6:00 p.m.

Maricela Hernandez, MMC
City Clerk

**MINUTES OF A SPECIAL MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, APRIL 29, 2015**

Mayor Martin called the meeting to order at 6:03 p.m. in the Council Chambers, 100 Civic Center Way, Calabasas, California. All members of the City Council were present.

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

The Pledge of Allegiance was led by Bridget Karl.

APPROVAL OF AGENDA

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

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

ANNOUNCEMENTS/INTRODUCTIONS

Members of the Council made the following announcements:

Mayor pro Tem Bozajian:

- Extended appreciation to all who attended the Canine Classic.
- Annual Relay for Life will take place on May 16-17 at AE Right Middle School.
- The Calabasas Fine Arts Festival is scheduled on May 2-3.
- Law Day is scheduled on May 1.
- A mothers' day event to watch Frozen is scheduled on May 9 at Founders Hall.
- Calabasas Wine Tasting is scheduled on May 8.

Councilmember Shapiro:

- The May 8 Wine Tasting event will feature the award-winning Calabasas High School Jazz Band.
- Calabasas High School Peer Support will be hosting the bully movie for middle school students on May 6.

Councilmember Gaines:

- Bay Laurel Elementary School's carnival is scheduled on May 3.

Councilmember Maurer:

- Congratulated the LVUSD for an excellent fundraiser with Jason Alexander on April 25.
- Extended appreciation to Larry and Cindy Iser for their hard work and dedication supporting the arts at schools in Calabasas.

Mayor Martin:

- Expressed appreciation to the Rotary Club and the Agoura Hills/Calabasas Community Center for a great Canine Classic.
- Reiterated an invitation to Relay for Life on May 16-17.
- The Chamber's Mayor Luncheon is scheduled on May 21.
- Extended an invitation to Calabasas Dodger Night on June 8.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Jacqueline Souza spoke during public comment.

CONSENT ITEMS

1. Recommendation to reject all bids for the Parkway Calabasas/US 101 SB Off-Ramp Intersection Improvement Project, Specification No. 14-15-03
2. Recommendation to award construction contract for the Mulholland Scenic Corridor Phase III Project, Specification No. 14-15-06 to C.A. Rasmussen, Inc.

Mayor Martin pulled Consent Item No. 1.

Councilmember Gaines moved, seconded by Councilmember Maurer to approve Consent Item No. 2. MOTION CARRIED 5/0 as follows:

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

After further discussion, Councilmember Shapiro moved, seconded by Councilmember Maurer to approve Consent Item No. 1. MOTION CARRIED 5/0 as follows:

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

SPECIAL ITEMS

3. Recent losses of City revenues; increased future expenses (Senior Center); future revenue potential

Dr. Lysik presented an overview of the City's revenues and expenditures.

Leslie Kraut and Alicia Weintraub spoke on Item No. 3.

4. Councilmember discretionary accounts

It was agreed that the Budget subcommittee would review the current discretionary accounts resolution and present recommendation to the Council at a future meeting.

5. Open Space Ordinance

The Council unanimously agreed to place the Open Space Measure on the November 3, 2015 election. Mayor pro Tem Bozajian agreed to work with the City Attorney to write the ballot statement for the Measure.

The Council recessed at 7:49 p.m.

The Council reconvened at 8:00 p.m.

6. Review Council Protocols

A subcommittee composed of Mayor pro Tem Bozajian and Councilmember Gaines was formed to review Council Protocols and present recommendations to the Council at a future meeting.

7. Discussion regarding the City's 25th anniversary of cityhood

A subcommittee composed of Mayor pro Tem Bozajian and Councilmember Gaines was formed to explore ideas for the City's 25th anniversary celebration.

8. Council liaisons and external committee appointments

Antasha Lange and Charlotte Meyer spoke on Item No. 8.

The City Council concurred to the following appointments:

Council Liaisons

- Budget Liaison: Mayor Martin, Councilmember Shapiro

- Cityhood 25th Anniversary: Mayor pro Tem Bozajian, Councilmember Gaines
- Commission Procedures/Council Protocols: Mayor pro Tem Bozajian, Councilmember Gaines
- Economic Development: Councilmember Shapiro, Councilmember Gaines
- Emergency Preparedness Task Force: Councilmember Shapiro, Councilmember Maurer
- Open Space Liaison: Councilmember Maurer, Mayor pro Tem Bozajian
- Schools Area Traffic Safety Committee: Mayor Martin, Councilmember Shapiro
- School Sites Liaisons: Mayor Martin, Councilmember Gaines
- Senior Taskforce: Councilmember Shapiro, Councilmember Maurer
- Special Olympics: Councilmember Gaines, Councilmember Maurer

Council External Committee

- AHCCC Joint Powers Authority Board: Mayor pro Tem Bozajian, Mayor Martin (Alternate)
- Calabasas Chamber of Commerce: Mayor Martin, Councilmember Gaines (Alternate)
- California Contract Cities Association: Mayor pro Tem Bozajian
- California Joint Powers Insurance Authority: Mayor Martin, Mayor pro Tem Bozajian (Alternate)
- Economic Alliance of the San Fernando Valley Board of Directors: Councilmember Gaines, Councilmember Shapiro (Alternate)
- Headwaters Corner Interpretive Center Board of Directors: Councilmember Maurer and Mayor Martin
- Las Virgenes – Malibu Council of Governments: Mayor Martin, Councilmember Maurer (Alternate)
- League of California Cities, Los Angeles Division: Councilmember Maurer, Councilmember Shapiro (Alternate)
- Los Angeles County City Selection Committee: Mayor Martin, Mayor pro tem Bozajian (Alternate)
- Santa Monica Mountains Conservancy Advisory Board: Councilmember Maurer
- Southern California Association of Governments (SCAG): Mayor Martin
- Valley Industry Commerce Association (VICA): Councilmember Gaines

FUTURE AGENDA

Mayor pro Tem Bozajian requested an update on the review of the Municipal Code once it has been completed.

The Council requested story polls be scheduled for a future meeting.

TASKFORCE REPORTS

Mayor pro Tem Bozajian announced he would be forwarding the Agoura Hills/Calabasas Community Center's strategic planning report. In addition, he announced that he would be attending the California Contract Cities Association Annual Municipal Conference on May 14-17.

Councilmember Maurer reported on her attendance to a Santa Monica Mountains Conservancy Advisory meeting.

The Council recessed to Closed Session at 9:25 p.m.

CLOSED SESSION

1. Conference with legal counsel anticipated litigation – one case.
Government Code §54956.9(d)4.

The Council reconvened to Open Session at 10:34 p.m.

The City Attorney reported that the Council did not decide whether to initiate litigation and directed him to review additional documents and advise accordingly.

ADJOURN

Councilmember Shapiro moved, seconded by Councilmember Gaines to adjourn the meeting at 10:36 p.m. to their next regular meeting scheduled on Wednesday, May 27, 2015, at 7:00 p.m.

Maricela Hernandez, MMC
City Clerk

Members of the Council made the following announcements:

Mayor pro Tem Bozajian:

- Expressed appreciation to staff and the Calabasas Arts Council for a great event.
- Summer Concerts at the Lake are scheduled on June 7, July 12, August 9 and 23.

Councilmember Shapiro:

- Congratulated all upcoming graduates and encouraged everyone to drive with caution in the City.

Councilmember Maurer:

- Encourage students to take advantage of the multipurpose room which is being converted to a gigantic study hall the week of June 1.

Councilmember Gaines:

- Safewise, a statewide organization has rated Calabasas as the 13th safest city in the State.
- The Sheriff's Department conducted another successful tobacco sting operation, finding all the businesses in compliance.
- Congratulated Calabasas High School Principal, CJ Foss for receiving the 2015 Leadership Award from the Association of School Administrators.
- Acknowledged Calabasas Baseball Team for making the CIF playoffs, the first time since 2004. Also, the boys' swimming team was second on all CIF this year, the highest they have placed since the 70's.
- Reiterated congratulations to all upcoming graduates and also encouraged caution while driving.

Mayor Martin:

- A successful Relay for Life took place on May 16-17.
- Expressed appreciation to the Chamber of Commerce and all who attended the Mayor's Luncheon.
- Extended an invitation to Calabasas Dodger Night on June 8.

PRESENTATIONS

➤ Sheriff's Crime Report

Lt. De Santis presented the report.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Sarah Tamor, Jennifer Bercy, Carl Ehrlich, James Ross, Jackie Hoffman and Sue Somberg spoke during public comment.

CONSENT ITEMS

1. Approval of meeting minutes from April 22, 29 and May 11, 2015
2. Adoption of Ordinance No. 2015-324 pertaining to Chapter 8.12, Second Hand Smoke Control of the Calabasas Municipal Code
3. Adoption of Resolution Nos. 2015-1453, 2015-1454 and 2015-1455 regarding the Calabasas General Municipal Election to be held on November 3, 2015
4. Adoption of Resolution No. 2015-1457, approving revisions to Human Resource Guidelines, Section 9.02 Sick Leave
5. Recommendation from the Parks, Recreation and Education Commission to award a contract to Great Western Park & Playground in the amount of \$93,307.90 for the installation of a play environment, Specification No. 14-15-07 at Juan Bautista de Anza Park
6. Recommendation from the Interim Senior Center Advisory Board to confirm Charlotte Meyer as their Senior representative on the Parks, Recreation and Education Commission
7. Recommendation to approve a professional services agreement with Hopkins & Carley for general employment advice
8. Authorization to approve contract change order for Vandergeest Landscape, Care, Inc. in the amount of \$139,225 to fund regularly scheduled landscape maintenance and required extra work as part of the landscape maintenance of public works street medians and certain sidewalks and parkway areas (Area #1) for the remainder of fiscal year 2014-15 and fiscal year 2015-16 until the contract ends on February 14, 2016
9. Recommendation to award construction contract for the Las Virgenes Road Scenic Corridor Completion Project, Specification No. 14-15-08, in the amount of \$4,388,760.40, to Palp, Inc. DBA Excel Paving Company; and to appropriate \$50,500 to Converse Consultants for materials testing, for a total of \$4,388,760.40

10. Approval of Memorandums of Understanding with the Los Angeles County Metropolitan Transportation Authority for use of Measure "R" sub-regional funds for completing the design and construction of the off-ramp US-101 at Las Virgenes Road Project
11. Recommendation to award a contract to Valley Crest Tree Company in the amount of \$111,000 for the relocation and preservation of five existing oak trees within the Las Virgenes Scenic Corridor
12. Recommendation to award contract to NIC Partners, Inc. in the amount not to exceed \$76,800 to upgrade Calabasas Civic Center's VoIP Telecommunications System
13. Council liaisons and external committee appointments

Item Nos. 1-2, 6, 8-10 and 13 were pulled by Mayor pro Tem Bozajian, Mayor Martin, Councilmembers Shapiro and Maurer, respectively.

Councilmember Shapiro moved, seconded by Councilmember Maurer to approve Consent Item Nos. 3-5, 7 and 11-12. MOTION CARRIED 5/0 as follows:

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

After further discussion, Councilmember Shapiro moved, seconded by Mayor pro Tem Bozajian to approve the May 11, 2015, meeting minutes. MOTION CARRIED 5/0 as follows:

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

Mayor pro Tem Bozajian moved, seconded by Councilmember Shapiro to table the April 22 and 29, 2015, meeting minutes. MOTION CARRIED 5/0 as follows:

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

After further discussion, Councilmember Gaines moved, seconded by Councilmember Maurer to approve Consent Item No. 2. MOTION CARRIED 5/0 as follows:

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

Mayor Martin introduced Charlotte Meyer as the new member to the Parks, Recreation & Education Commission. Ms. Meyer expressed appreciation for her appointment.

Councilmember Gaines moved, seconded by Councilmember Shapiro to approve Consent Item No. 6. MOTION CARRIED 5/0 as follows:

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

After further discussion, Councilmember Shapiro moved, seconded by Councilmember Maurer to approve Consent Item Nos. 8-10. MOTION CARRIED 5/0 as follows:

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

The following corrections were made to Item No. 13.

- Headwaters Corner Interpretive Center Board of Directors: Mayor Martin and Councilmember Maurer
- League of California Cities, Los Angeles County Division: Councilmember Shapiro (alternate)
- Economic Alliance of the San Fernando Valley: Councilmember Shapiro; Councilmember Gaines (alternate)

Councilmember Gaines moved, seconded by Mayor pro Tem Bozajian to approve Consent Item No. 13, as modified. MOTION CARRIED 5/0 as follows:

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

NEW BUSINESS

17. Recommendation from the Planning Commission regarding modifications to the Community Development Department's story pole policy

Ms. Tamuri presented the report and introduced Jeff Cooper, Chair of the Architectural Review Panel.

Extensive discussion took place.

The following spoke on Item No. 17: Will Stokes, Joanne Suwara, John Suwara, Jaoy Shillan, Katy Berkowitz, Marlon Hoffman, Peter Heumann, Candice

Weber, Lee Dragu, Frances Alet, Linda Thompson, Rita McCaffrey, Pricilla Lee, Eric Esby, Jillian Esby, Nancy Kamali, Clark Canfield, Toby Keeler, Sue Atkinson-Barr and Dana Sharon.

The Council recessed at 9:05 p.m.

The Council reconvened at 9:16 p.m.

The following also spoke on Item No. 17: Jeremy Wolf, Roger Pugliese, Bob Wallie, Theresa Cohan, John Daly, Jake Jesson, Mary Hubbard, Emma Wilby, Ryan Embree, Melissa Olen, Carl Erlich, Don Wallace, Lynda Lo-Hill and Jeff Cooper.

After extensive discussion, the Council directed staff to make modifications to the Story Pole Policy and bring back to a future meeting.

The Council recessed at 11:49 p.m.

The Council reconvened at 11:55 p.m.

18. Council position on State Senate Bill 277 (Pan and Allen) regarding exemption from childhood vaccinations

Mr. Howard provided a brief overview regarding SB 277.

Kathy Berkowitz, Alan Berkowitz and Mary Hubbard spoke on Item No. 18.

Mayor Martin stated that the following were in favor of SB 277: Alicia Weintraub, Dr. Tanya Altman, Shannon Mashaci and Debbie Lopez.

Councilmember Gaines moved, seconded by Councilmember Maurer to approve Item No. 18. MOTION CARRIED 5/0 as follows:

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

14. Adoption of Resolution Nos. 2015-1460 and 2015-1461 for the submission to the voters a binding question relating to open space for the November 3, 2015, General Municipal Election

After extensive discussion, Mayor pro Tem Bozajian moved, seconded by Councilmember Maurer to continue Item No. 14 to the June 10, 2015, meeting. MOTION CARRIED 5/0 as follows:

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

19. Council position on State Senate Bill 151 (Hernandez) regarding raising smoking legal age limit

Jennifer Bercy spoke on Item No. 19.

Councilmember Gaines moved, seconded by Councilmember Maurer to approve Item No. 19. MOTION CARRIED 3/2 as follows:

AYES: Councilmembers Gaines, Maurer and Shapiro

NAYS: Mayor Martin and Mayor pro Tem Bozajian

20. Council position on Senate Bill SB 32 (Pavley) regarding Climate Pollution Reduction Beyond 2020: Healthier Communities and a Stronger Economy

Mayor pro Tem Bozajian moved, seconded by Councilmember Maurer to continue Item No. 20 to a future meeting. MOTION CARRIED 5/0 as follows:

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

The Council concurred to continue the following items to a future meeting:

15. A discussion, presentation and direction to staff from the City Council to proceed with the City's Solid Waste Franchise Agreement Request for Proposals (RFP)
16. Design considerations for the citywide median street name sign replacement program

INFORMATIONAL REPORTS

21. Check Register for the period of April 15-May 13, 2015

No action was taken on this item.

TASK FORCE REPORTS

None.

CITY MANAGER'S REPORT

None.

FUTURE AGENDA ITEMS

None.

The Council recessed to Closed Session at 12:53 a.m.

CLOSED SESSION

1. Conference with legal counsel anticipated litigation – one case.
Government Code §54956.9(d)4.

The Council reconvened to Open Session at 1:18 a.m.

The City Attorney reported that the Council has not decided whether to initiate litigation at this time and has requested additional information and discussion.

ADJOURN

The City Council adjourned at 1:20 a.m. in memory of Erwin B. Gaines to their next regularly scheduled meeting on Wednesday, June 10, 2015, at 7:30 p.m.

Maricela Hernandez, MMC
City Clerk



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: MAY 27, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: DR. GARY J. LYSIK, CHIEF FINANCIAL OFFICER *gary j lysik*
 LESLEY PELKA, CPA, ACCOUNTING SUPERVISOR *LP*

SUBJECT: ADOPTION OF RESOLUTION NO. 2015-1458, LEVYING SPECIAL TAXES WITHIN THE CITY OF CALABASAS COMMUNITY FACILITIES DISTRICT NO. 2006-1; AND ADOPTION OF RESOLUTION NO. 2015-1459, LEVYING SPECIAL TAXES WITHIN THE CITY OF CALABASAS COMMUNITY FACILITIES DISTRICT NO. 98-1

MEETING DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

It is recommended that Council approve the attached Resolutions levying special taxes for the City of Calabasas Facilities Districts (CFD) 2006-1 and 98-1 for fiscal year 2015/16.

BACKGROUND:

1. The City formed the City of Calabasas Community Facilities District No. 2006-1 which authorized the levy of special taxes for specified parcels within the District (New Millennium Homes/Baldwin). The District was formed to refinance bonds previously issued in 2001 (CFD 2001-1 – The Oaks Mello-Roos) to finance a portion of the cost of construction and acquisition of public facilities of benefit to the property. The 2001-1 bond issue was refunded on May 16, 2006 under Special Tax Refunding Bonds, Series 2006 and the principal amount financed was \$26,535,000. The

District is in the 10th year of a 25 year term. CFD payments are not debts of the City.

2. The City also formed the City of Calabasas Community Facilities District No. 98-1 which authorized the levy of special taxes for specified parcels within the District (Calabasas Park Centre) in accordance with the Mello-Roos Community Facilities Act of 1982. The District was formed to refinance facilities located in and previously financed by Community Facilities District No. 4 of the County of Los Angeles. The principal amount financed was \$12,515,000 and the final maturity date is September 1, 2028. The District is in the 17th year of a 30 year term. CFD payments are not debts of the City.

DISCUSSION/ANALYSIS:

The attached resolutions will authorize the levy of the special taxes within the Community Facilities Districts for fiscal year 2015/16. The list of parcels subject to the special tax needs to be filed with the County by August 10, 2015 for placement on the tax roll.

FISCAL IMPACT/SOURCE OF FUNDING:

None

REQUESTED ACTION:

Staff requests that the City Council approve Resolution Nos. 2015-1458 and 2015-1459, levying special taxes for the City of Calabasas Facilities Districts 2006-1 and 98-1 respectively for fiscal year 2015/16.

ATTACHMENTS:

1. Resolution No. 2015-1458
Resolution No. 2015-1458 Attachment
2. Resolution No. 2015-1459
Resolution No. 2015-1459 Attachment

ITEM 2 ATTACHMENT 1
RESOLUTION NO. 2015-1459

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA, LEVYING SPECIAL TAXES
WITHIN CITY OF CALABASAS COMMUNITY FACILITIES
DISTRICT NO. 98-1.**

WHEREAS, the City Council (the "City Council") of the City of Calabasas, California (the "City"), has formed City of Calabasas Community Facilities District No. 98-1 (the "Community Facilities District"), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the City Council, as the legislative body of the Community Facilities District, is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain facilities and to authorize the issuance of bonds secured by the Special Taxes under the Act; and

WHEREAS, the City Council, pursuant to Ordinance No. 99-138, adopted by the City Council of the City on January 20, 1999, as amended by Ordinance No. 99-139, adopted by the City Council of the City on February 3, 1999, authorized and levied the Special Taxes within the Community Facilities District; and

WHEREAS, Section 53340 of the Act provides that the legislative body of a community facilities district may provide, by resolution, for the levy of the special tax in the current year or future tax years at the same rate or at a lower rate than the rate provided by ordinance, if the resolution is adopted and a certified list of all parcels subject to the special tax levy including the amount of the tax to be levied on each parcel for the applicable tax year, is filed by the clerk or other official designated by the legislative body with the county auditor; and

WHEREAS, the City Council desires to levy the Special Taxes within the Community Facilities District for Fiscal Year 2015/16.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calabasas, California, as follows:

Section 1. All of the above recitals are true and correct.

Section 2. The City Council hereby levies the Special Taxes for the Fiscal Year 2015/16 as outlined and set forth in Attachment hereto. The City Clerk of the City is hereby authorized and directed to file with the Los Angeles County Auditor/Controller, a certified list of all parcels subject to the Special Tax levy

including the amount of the Special Tax to be levied on each parcel for Fiscal Year 2015/16.

Section 3. The officers and agents of the City are, and each of them hereby is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the levy of the Special Taxes for Fiscal Year 2015/16 as provided in this Resolution.

Section 4. All actions heretofore taken by the officers and agents of the City with respect to the levy of the Special Taxes for Fiscal Year 2015/16 are hereby approved, confirmed and ratified.

Section 5. This Resolution shall take effect immediately upon its adoption.

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 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

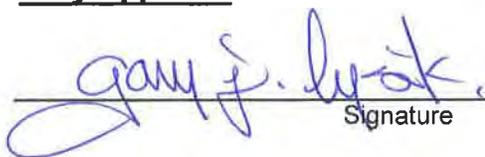
CITY OF CALABASAS
Community Facilities District No. 98-1
Fiscal Year 2015/2016 - Levy Worksheet

Description	2015/16 Amount	2014/15 Amount	Increase/(Decrease)
Principal	\$525,000.00	\$495,000.00	\$30,000.00
Interest	<u>294,740.00</u>	<u>322,707.50</u>	<u>(27,967.50)</u>
<i>Subtotal</i>	\$819,740.00	\$817,707.50	\$2,032.50
Agency administrative costs	\$21,400.00	\$21,400.00	\$0.00
Trustee/Paying Agent costs	4,000.00	4,000.00	0.00
County collection fees (1)	52.25	52.25	0.00
Arbitrage calculation costs	2,250.00	2,250.00	0.00
Continuing disclosure costs	1,806.32	1,773.04	33.28
Bond Administration	6,802.69	6,675.77	126.92
Administration expenses	218.56	226.92	(8.36)
Other costs / Rounding	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<i>Subtotal</i>	\$36,529.82	\$36,377.98	\$151.84
Del. management charges	\$0.00	\$0.00	\$0.00
Manual adjustments	0.00	0.00	0.00
Reserve Fund credit	0.00	0.00	0.00
Special Tax Fund credit	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<i>Subtotal</i>	\$0.00	\$0.00	\$0.00
Total Annual Levy	\$856,269.82	\$854,085.48	\$2,184.34
County Apportionment (2)	\$856,217.57	\$854,033.23	\$2,184.34
No. of Parcels Levied	9	9	0

- (1) The Los Angeles County collection charge for Fiscal Year 2015/16 is \$0.25 per parcel, plus \$50 per District.
(2) Amount to be disbursed by Tax Collector if 100% collection is made.

Fund/Account	4/30/2015	4/30/2014	Notes
Special Tax Fund - City held	\$1,421,102.91	\$1,409,985.86	
Special Tax Fund - Bank held	0.00	41.73	
Bond Fund	0.46	41.35	
Administrative Expense Fund	182.86	1,522.07	
Reserve Fund	743,217.02	759,166.51	
Total	\$2,164,503.25	\$2,170,757.52	

Levy Approval


Signature

5/27/15
Date

ITEM 2 ATTACHMENT 2
RESOLUTION NO. 2015-1458

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA, LEVYING SPECIAL TAXES
WITHIN CITY OF CALABASAS COMMUNITY FACILITIES
DISTRICT NO. 2006-1.**

WHEREAS, the City Council (the "City Council") of the City of Calabasas (the "City") has formed City of Calabasas Community Facilities District No. 2006-1 (the "Community Facilities District"), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the City Council, as the legislative body of the Community Facilities District, is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain facilities and to authorize the issuance of bonds secured by the Special Taxes under the Act; and

WHEREAS, the City Council, pursuant to Ordinance No. 2001-165, adopted by the City Council of the City on July 18, 2001, authorized and levied the Special Taxes within the Community Facilities District; and

WHEREAS, Section 53340 of the Act provides that the legislative body of a community facilities district may provide, by resolution, for the levy of the special tax in the current year or future tax years at the same rate or at a lower rate than the rate provided by ordinance, if the resolution is adopted and a certified list of all parcels subject to the special tax levy including the amount of the tax to be levied on each parcel for the applicable tax year, is filed by the clerk or other official designated by the legislative body with the county auditor; and

WHEREAS, the City Council desires to levy the Special Taxes within the Community Facilities District for Fiscal Year 2015/16.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calabasas as follows:

Section 1. All of the above recitals are true and correct.

Section 2. The City Council hereby levies the Special Taxes for the Fiscal Year 2015/16 as outlined and set forth in Attachment hereto. The City Clerk of the City is hereby authorized and directed to file with the Los Angeles County Auditor/Controller, a certified list of all parcels subject to the Special Tax levy including the amount of the Special Tax to be levied on each parcel for Fiscal Year 2015/16.

Section 3. The officers and agents of the City are, and each of them hereby is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the levy of the Special Taxes for Fiscal Year 2015/16 as provided in this Resolution.

Section 4. All actions heretofore taken by the officers and agents of the City with respect to the levy of the Special Taxes for Fiscal Year 2015/16 are hereby approved, confirmed and ratified.

Section 5. This Resolution shall take effect immediately upon its adoption.

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 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

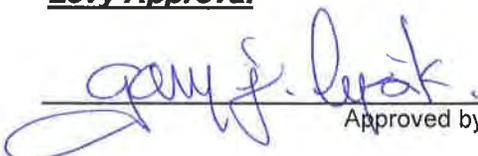
CITY OF CALABASAS
Community Facilities District No. 2001-1
Special Tax Refunding Bonds - Series 2006
Fiscal Year 2015/2016 - Levy Worksheet

Description	2015/16 Amount	2014/15 Amount	Increase/(Decrease)
Principal	\$890,000.00	\$855,000.00	\$35,000.00
Interest	<u>897,342.50</u>	<u>932,397.50</u>	<u>(35,055.00)</u>
<i>Subtotal</i>	\$1,787,342.50	\$1,787,397.50	(\$55.00)
Agency administrative costs	\$45,000.00	\$45,000.00	\$0.00
Trustee/Paying Agent costs	3,000.00	3,000.00	0.00
County collection fees (1)	182.75	182.75	0.00
Arbitrage calculation costs	4,500.00	2,250.00	2,250.00
Continuing disclosure costs	1,799.43	1,766.26	33.17
Administration costs	18,360.32	18,017.77	342.55
Administration expenses	<u>589.89</u>	<u>612.44</u>	<u>(22.55)</u>
<i>Subtotal</i>	\$73,432.39	\$70,829.22	\$2,603.17
Special Tax B	\$79,941.38	\$78,827.34	\$1,114.05
Special Tax B Reimbursement	(78,827.34)	(78,767.50)	(59.84)
Escaped Levy	0.00	0.00	0.00
Delinquency Management Charges	0.00	0.00	0.00
Reserve Fund credit	0.00	0.00	0.00
Special Tax Fund credit	0.00	0.00	0.00
Installment Rounding	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<i>Subtotal</i>	\$1,114.04	\$59.84	\$1,054.21
Total Annual Levy	\$1,861,888.93	\$1,858,286.56	\$3,602.38
County Apportionment (2)	\$1,861,706.18	\$1,858,103.81	\$3,602.38
Parcels	531	531	0

- (1) The Los Angeles County collection charge for Fiscal Year 2015/16 is \$0.25 per parcel, plus \$50 per District.
(2) Amount to be disbursed by Tax Collector if 100% collection is made.

Fund/Account	4/30/2015	4/30/2014	Notes
Special Tax Fund - City Held	\$2,044,935.28	\$2,095,131.62	
Special Tax Fund - Trustee Held	0.00	0.79	
Bond Fund	1.28	0.00	
Reserve Fund	1,788,865.60	1,788,888.67	
Administrative Expense Fund	4,313.68	4,067.14	
Total	\$3,838,115.84	\$3,888,088.22	

Levy Approval


Approved by: _____

5/27/15
Date _____



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

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: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT (PSA) WITH G2 CONSTRUCTION, INC. FOR FABRICATION AND INSTALLATION OF CITYWIDE STORM DRAIN CATCH BASIN CURB SCREENS IN THE AMOUNT OF \$1,077,380; AND AMENDMENT OF PSA WITH CALIFORNIA GREEN CONSULTANT IN THE AMOUNT OF \$50,000

MEETING

DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

Staff recommend that the City Council approve the Professional Services Agreement with G2 Construction Inc. for fabrication and installation of citywide storm drain catch basin curb screens and amend an existing PSA with California Green Consultant to provide monitoring and inspection services for the same project.

BACKGROUND:

In November 2006, the voters of California enacted the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act (Proposition 84), which authorized the Legislature to appropriate one billion dollars for Integrated Regional Water Management (IRWM) projects (water resources-related projects that address water supply, water quality, and habitat/open space needs in a region). The intent of the IRWM concept is to encourage integrated

regional strategies for the management of water resources and to provide funding through competitive grants for projects that protect communities from drought, improve water reliability, protect and improve water quality, and to improve local water security by reducing dependence on imported water.

In November 2012, the California Department of Water Resources (DWR) issued Proposition 84 IRWM Grant Program Guidelines to establish the process and criteria to solicit applications, evaluate proposals, and award Proposition 84 grants under the IRWM Grant Program. City of Calabasas submitted a grant application to retrofit all City's storm drain catch basins with stainless steel retractable screen in order to comply with the water quality regulations known as Trash Total Maximum Daily Load (TMDL). The application went through a rigorous and competitive process in over 3 years of preparation and review process.

City's project was one of 12 projects accepted by the Greater LA Region Leadership Committee among more than 200 applications and received unanimous support from the North Santa Monica Bay IRWMP Sub-committee representing various public and semi-public agencies and stakeholders.

The DWR awarded \$23,433,962 of grant funding to all agencies within the County of Los Angeles and City of Calabasas was awarded \$1,211,000. In September 10, 2014, the City Council approved the budget and a Memorandum of Understanding with the Los Angeles County Flood Control District for administration of the project funded through Proposition 84.

DISCUSSION/ANALYSIS:

This project calls for installation of curb screens on all of the city's catch basins to prevent trash from entering the storm drain system. The majority of these storm drains eventually discharge into the Los Angeles River. This is a citywide project that spans two watersheds and will retrofit approximately 1,200 catch basins, using LA County-approved stainless steel curb screens.

The Los Angeles River discharges into the Pacific Ocean near Long Beach and Las Virgenes Creek joins with Malibu Creek to discharge at Malibu Lagoon in Santa Monica Bay. The implementation of this project will reduce waste discharges into waterways and eventually will assist in reducing bacterial loading that is caused by discharges of vegetation, animal waste, food waste and trash into the storm drain.

This project helps the city to fully comply with the Los Angeles River and Malibu Creek trash TMDLs and will assist the city to meet certain target of the Bacteria TMDL for each of the watersheds. Preventing trash from reaching local creeks, streams and beaches removes a potential hazard to human health and aquatic life,

and helps protect aesthetics of these natural areas. Implementation of the project will help meet the Malibu Creek Trash Total Maximum Daily Load (TMDL).

A Request for Proposal (RFP) was issued on April 6, 2015. Three addenda were issued on April 23rd, April 24th and April 29, 2015 in response to questions and request for clarification. On April 30, 2015, three proposals were received as follows:

- | | |
|---------------------------------|-------------|
| 1. United Storm Water Inc. | \$1,177,440 |
| 2. G2 Construction Inc. | \$1,077,380 |
| 3. Progressive Contractor, Inc. | \$869,000 |

The proposal from Progressive Contractor, Inc. was deemed non-responsive due to lack of necessary information and submittal requirements. After careful review, G2 Construction, Inc. was deemed the responsive and lowest proposer. This is the same contractor that installed 156 full-capture catch basin screens on Las Virgenes Creek sub-watershed in 2013.

FISCAL IMPACT/SOURCE OF FUNDING:

The total grant award is \$1,211,000. City's required local match is 20% of the total project cost or \$236,000 in the form of monetary contribution and staff time. The City Council approved the project budget on September 10, 2014 and allocated additional funding from City's General Fund in the amount of \$200,000 to fulfill the City's local match. Additionally, the current contract with California Green Consultant shall be amended to perform data collection, monitoring and inspection services for this project. The requested amendment is \$50,000 and it shall be covered from the existing approved budget from Account No. 10-313-525200.

REQUESTED ACTION:

That the City Council approve the Professional Services Agreement with G2 Construction Inc. for fabrication and installation of citywide storm drain catch basin curb screens and approve an amendment to an existing PSA with California Green Consultant to provide monitoring and inspection services for the same project.

ATTACHMENTS:

1. Professional Services Agreement with G2 Construction Inc.
2. Amendment to Professional Services Agreement with California Green Consultant

PROFESSIONAL SERVICES AGREEMENT

(City of Calabasas / G2 Construction, Inc.)

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Calabasas, a California municipal corporation (“City”), and G2 Construction, Inc. a California corporation (“Contractor”).

2. RECITALS

- 2.1 City has determined that it requires the following professional services from a contractor: **Fabrication and installation of citywide catch basin curb screens.**
- 2.2 Contractor 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. Contractor further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

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

3. DEFINITIONS

- 3.1 “Scope of Services”: Such professional services as are set forth in Contractor’s April 24, 2015 proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as are set forth in Contractor’s April 24, 2015 fee schedule to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.3 “Commencement Date”: June 10, 2015.
- 3.4 “Expiration Date”: June 9, 2016.

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. CONTRACTOR’S SERVICES

- 5.1 Contractor shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. 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 Contractor under this Agreement exceed One Million Seventy Seven Thousand Three Hundred Eighty Dollars (\$1,077,380.00), unless specifically approved in advance and in writing by City.
- 5.2 Contractor shall perform all work to the highest professional standards of

Contractor's profession and in a manner reasonably satisfactory to City. Contractor shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).

- 5.3 During the term of this Agreement, Contractor shall not perform any work for another person or entity for whom Contractor was not working at the Commencement Date if both (i) such work would require Contractor to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Contractor's performance of such work.
- 5.4 Contractor represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Contractor or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **John Alvarado** shall be Contractor's project administrator and shall have direct responsibility for management of Contractor's performance under this Agreement. No change shall be made in Contractor's project administrator without City's prior written consent.

6. COMPENSATION

- 6.1 City agrees to compensate Contractor for the services provided under this Agreement, and Contractor agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.
- 6.2 Contractor 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 ten business days of receipt of each invoice, City shall notify Contractor in writing of any disputed amounts included on the invoice. 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 Contractor.
- 6.3 Payments for any services requested by City and not included in the Scope of Services shall be made to Contractor by City on a time-and-materials basis using Contractor's standard fee schedule. Contractor 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 Contractor be entitled to increase fees for services rendered before the thirtieth day after Contractor 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 Contractor issues an invoice to City for such services.

7. OWNERSHIP OF WRITTEN PRODUCTS

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

subject of a copyright application by Contractor.

8. RELATIONSHIP OF PARTIES

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

9. CONFIDENTIALITY

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

10. INDEMNIFICATION

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

- 10.5 Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. In the event Contractor fails to obtain such indemnity obligations from others as required herein, Contractor agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Contractor's subcontractors or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.
- 10.6 City does not, and shall not waive any rights that it may possess against Contractor because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

11. INSURANCE

- 11.1 During the term of this Agreement, Contractor shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Contractor's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:
- 11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent contractors, personal injury, underground hazard, and explosion and collapse hazard where applicable.
- 11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.
- 11.1.3 Worker's Compensation insurance as required by the laws of the State of California.
- 11.2 Contractor shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Contractor agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Contractor's expense, the premium thereon.

- 11.5 At all times during the term of this Agreement, Contractor shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Contractor shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Contractor shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The General Liability Policy 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. Contractor agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- 11.8 The insurance provided by Contractor shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Contractor's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Contractor, and Contractor's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Contractor hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Contractor shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Contractor shall procure a bond guaranteeing payment of losses and expenses.
- 11.11 Procurement of insurance by Contractor shall not be construed as a limitation of Contractor's liability or as full performance of Contractor's duties to indemnify, hold harmless and defend under Section 10 of this Agreement.

12. MUTUAL COOPERATION

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

13. RECORDS AND INSPECTIONS

Contractor shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this

Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

14. PERMITS AND APPROVALS

Contractor shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement. 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 Contractor's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

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

If to Contractor:

G2 Construction, Inc.
13331 Garden Grove Blvd, Unit K
Garden Grove, CA. 92843
Attn: John Alvarado
Tel: (714) 748-4242
Fax: (714) 748-4242

With courtesy copy to:

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

16. SURVIVING COVENANTS

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

17. TERMINATION

17.1. City shall have the right to terminate this Agreement for any reason on five calendar days' written notice to Contractor. Contractor shall have the right to terminate this Agreement for any reason on sixty calendar days' written notice to City. Contractor 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

Contractor, then Contractor shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Contractor be entitled to receive more than the amount that would be paid to Contractor for the full performance of the services required by this Agreement.

18. GENERAL PROVISIONS

- 18.1 Contractor shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Contractor.
- 18.2 In the performance of this Agreement, Contractor shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability or medical condition.
- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 18.4 The waiver by City or Contractor of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Contractor unless in writing.
- 18.5 Contractor shall not be liable for any failure to perform if Contractor presents acceptable evidence, in City's sole judgment that such failure was due to causes beyond the control and without the fault or negligence of Contractor.
- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term

or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Contractor with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Contractor.

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

“City”
City of Calabasas

“Contractor”
G2 Construction, Inc.

By: _____
Lucy M. Martin, Mayor

By: _____
John Alvarado, President

Date: _____

Date: _____
By: _____
Co-Authorized Signer, Level of Officer

Date: _____

Attest:

By: _____
Maricela Hernandez, MMC
City Clerk

Date: _____

Approved as to form:

By: _____
Scott H. Howard, City Attorney

Date: _____

Exhibit A



CITY of CALABASAS

REQUEST FOR PROPOSALS (RFP)

FABRICATION AND INSTALLATION OF CITYWIDE CATCH BASIN CURB SCREENS

Issued on:

April 6, 2015

SUBMITTAL DEADLINE:

April 27, 2015 at 2:00 p.m.

City OF CALABASAS
Public Works Department
100 Civic Center Way
Calabasas, CA 91302
Telephone: (818) 224-1600
Facsimile: (818) 225-7338



*Request For Proposal (RFP)
Fabrication and Installation of Citywide Catch Basin Curb Screens*

Request for Proposals

The City of Calabasas (hereinafter, "City") is soliciting proposals from interested, qualified companies (hereinafter, "Contractor") to provide services for design, fabrication and installation of storm drain catch basin retractable curb screens (hereinafter, "Project"). The City intends to award one contract to provide the requested service to a qualified service provider.

PROJECT SCOPE

The work to be done consists of fabrication and installation of retractable curb screens made out of stainless steel on all storm drain catch basins within the City of Calabasas. The estimated number of catch basin is approximately 1,068 and the final count shall be determined following the approval of the County of Los Angeles Public Works Department (hereinafter, "County").

REQUEST FOR PROPOSAL

The City is soliciting Proposals from qualified companies for fabrication and installation of stainless steel retractable curb screens, tested and approved by the County of Los Angeles Department of Public Works. Proposals must be submitted at or before **2:00 p.m. on April 27, 2015**. Proposals and amendments to Proposal received after the date and time specified above will not be considered and will be returned to the Contractors unopened. Faxed or electronically submitted Proposals will NOT be accepted. Proposals submitted to City must comply with forms provided in Exhibit A: Submittal Forms and must contain all of the information requested in Section II: "Proposal Content", for the Scope of Work. The selected company must be willing to sign an agreement with the terms and conditions shown in the City model Agreement for Professional Services, attached as "Exhibit B". Contractors are encouraged to promptly notify City of any apparent major inconsistencies, problems, or ambiguities in the Scope of Services.

INQUIRIES

In an effort to maintain fairness in the process, all inquiries concerning this procurement are to be directed only to the Project Manager at the following address: 100 Civic Center Way, Calabasas, CA 91302, Attention: Alex Farassati or via e-mail: afarassati@Cityofcalabasas.com. Contractors are specifically directed NOT to contact any City Council members or personnel, other than specified personnel identified in this RFP, for meetings, conferences, or technical discussions that are related to the RFP.



*Request For Proposal (RFP)
Fabrication and Installation of Citywide Catch Basin Curb Screens*

All inquiries must be submitted in writing and must be received at the City by **April 21, 2015 at 2:00 p.m.** Please note that the City will not be responsible for mailing any addendums. All addendums and notifications will be made available on the City's webpage: <http://www.Cityofcalabasas.com/public-notices.html>. Contractors are encouraged to check the website regularly since each Contractor will bear sole responsibility for having the RFP and all addendums. No new addendums will be posted after close of business on **April 24, 2015**.

CONFIDENTIAL MATTERS

All data and information gathered by the Contractor and its agents, including this RFP and all supplemental information shall be treated by the Contractor and its agents as confidential. The Contractor and its agents shall not disclose or communicate the aforesaid matters to a third party or use them in advertising, propaganda, and / or in another job or jobs, unless written consent is obtained from the City.

MODIFICATIONS / WITHDRAWAL OF PROPOSALS

Modifications will be accepted by the City, and binding upon the responding company, where the modification:

- Is received by the City at the place designated for submission of RFP responses prior to the deadline; and
- Is sealed in an envelope clearly stating "Modification" and the name of the responding operator; and
- Is signed by the same individual who signed the original submittal.

At any time prior to the scheduled closing time for receipt of RFP submittals, any responding operator may withdraw their submittal, either personally or by written request. However, a proposal may not be withdrawn after opening without the written consent of the City. Proposals may be modified or withdrawn prior to the established opening date by delivering a written notice to the Project Manager.

SELECTION PROCESS

All timely proposals will be reviewed by the City. The City reserves the right to award the contract to the firm that represents the proposal which, in the judgment of the City, best accomplishes the desired results, and shall include, but not be limited to, consideration for the professional service fee. All Contractors are required to certify that they are not debarred, suspended, or otherwise excluded from participating in this project. All Contractors will be required to certify that they are not on the Comptroller General's list of in-eligible companies.



Request For Proposal (RFP)
Fabrication and Installation of Citywide Catch Basin Curb Screens

The City of Calabasas looks forward to receiving your Proposal and in working with you. For any questions related to this RFP, please contact **Alex Farassati**, the Project Manager, at (818) 224-1680, or by email at afarassati@Cityofcalabasas.com.

Sincerely,

A handwritten signature in blue ink that reads "Robert Yalda".

Robert Yalda, P.E., T.E.
Public Works Director/City Engineer

CALENDAR OF EVENTS*

Distribution of RFP _____	April 6, 2015
Proposal Due Date _____	April 27, 2015
Selection _____	April 30, 2015
Council approval of Professional Services Agreement _____	May 27, 2015
Contract in Effect _____	May 28, 2015

* All dates are tentative and subject to change

SECTION I: PROPOSAL PACKAGE

Intent

The City is mandated by the Regional Water Quality Control Board's Total Maximum Daily Load (TMDL) regulatory requirements to reduce the trash in Calabasas creek tributary to Los Angeles River and Malibu Creek watersheds.

Under this contract, it has been determined by the City that the installation of approximately 1,068 catch basin debris screen covers is essential to meeting the compliance requirements of the Trash TMDL.

General Scope of services

The work to be done consists of measurement, design, fabrication, permitting, installation and inspection of curb screen devices that are tested and approved by the County of Los Angeles Department of Public Works at the time of submitting proposals.

The devices shall be installed on all catch basin opening in all private and public streets and also on all catch basins within commercial, institutional and publicly-owned properties within the City of Calabasas boundaries. The general scope of work shall include:

- a) accurate measurement of the catch basins for retrofit
- b) obtain required permit from the County
- c) removing any old device/BMP that were previously installed on about 60 catch basins that don't meet the current LA County requirements
- d) install screen covers that meet the County's requirements
- e) testing each screen covers for proper operation
- f) inspection and approval of each device by LA County inspectors

It is the intent of the City to award the contract to the most qualified, responsible Contractor as detailed in the Scope of Services, and with consideration of the potential costs for services. The City will negotiate with the Contractor deemed most qualified by the City to address the specific services to be provided, the time and order of services, staffing, areas of responsibility and proposed fee structure, including the amount and method of payment.

Information Provided by the City

Contractors are solely responsible for conducting their own independent research, due diligence or other work necessary for the preparation of proposals, negotiation of agreements, and the subsequent delivery of services pursuant to any agreement. In no event may Contractors rely on any oral statement. Should a Contractor find discrepancies in, or omissions



*Request For Proposal (RFP)
Fabrication and Installation of Catch Basin Curb Screens*

from, this RFP and related documents, or should Contractor be in doubt as to meaning, Contractor shall immediately notify the Project Manager and, if the point in question is not clearly set forth, a written addendum or bulletin of instructions will be made available on the City's website.

Each person requesting an interpretation or additional information will be responsible for the delivery of such requests to the Project Manager in writing as outlined in this RFP. The City will not be bound by, or responsible for, any explanation or interpretation of the proposed documents other than those given in writing. The City will not compensate Contractors for the cost of preparing a response to this RFP.



SECTION II: PROPOSAL CONTENT

The Contractor shall prepare a Statement of Qualification and a detailed Fee Schedule for the work to be performed based on the forms provided in Exhibit A. The proposals shall be not exceed 20 pages including cover letter, forms, Exhibits, appendices and exhibits. The proposals shall contain the following information:

References

The Contractor shall list current references where similar devices have been provided and installed for other public agencies that could testify to the Contractor's ability to meet performance standards and attest to the performance of the device. The list shall include the number of installations, name of purchaser (contact person) with phone number, type of device installed, and date of installation.

Firm Background and Experience

Specific aspects of the firm's experience with at least 3 projects performed for public agencies with 100 devices or more in the past 5 years.

Authorization Letter

Proposers that are not direct manufacturer of the curb screens must specify the type and model of the device that they are proposing to install and provide an authorization letter from the patent-holder/manufacturer to use their device if the proposal is accepted.

Implementation Timeline

Please describe the critical path and milestones you will observe when preparing for the service startup date.

Fee Schedule

The fee shall be submitted for the services outlined in the scope of work and shall include all disposal fees. The basis of payment for the services provided under this agreement shall be a maximum not-to-exceed fee. Fees shall include all costs associated with the project such as field measurements, shop drawings, mobilization, testing and permitting. Contractor shall guarantee the proper operations of all devices for a period of five (5) years from the completion date of the project and replace any deficient device upon request by City staff.

SECTION III: EVALUATION AND SELECTION

Should your company be interested in submitting a proposal for this service, please submit **two (2) copies** of the Statements of Qualification and forms 1-5 to:

City of Calabasas
City Clerk
100 Civic Center Way
Calabasas, CA 91302

The Proposals must be sealed and received no later than **2:00 p.m., Monday, April 27, 2015**. Late proposals will not be accepted, and postmarks will not be accepted in lieu of delivery. The proposals must be submitted in a sealed envelope and shall be marked:

Fabrication and Installation of Citywide Catch Basin Curb Screens

The Proposals will be evaluated by City Staff, based upon the following criteria:

- Understanding of the scope of work
- Demonstrated professional skills, abilities and credentials of assigned staff
- Demonstrated record of success on similar work, projects, and references
- Quality and completeness of proposal
- Approach to performing this type of service
- Familiarity with Local, State, and Federal government procedures, regulations and reporting

The City will accept proposals from firms having specific experience, resources and qualifications in the proposed scope of services that are accepted by the County. Other information required by the City to be submitted in response to this RFP is included elsewhere in this solicitation. A selection committee will review and evaluate all accepted proposals. The selection committee will have only the response to this solicitation to review for selection of finalists and, therefore, it is important that proposers emphasize specific information considered pertinent to the services to be provided.

The company selected as most qualified to provide the requested services will be invited to negotiate a final contract. If an agreement is not reached, negotiations may be terminated and commenced with the next most qualified company. The award of the contract will be based on a combination of all of the above factors. The City reserves the right to reject any and all proposals.



Section IV: Terms and Conditions

Communications Regarding RFP

If a proposer is in doubt as to the true meaning or intent of any part of the Request for Proposal, he/she may submit to the Project Manager a written request for an interpretation or a correction thereof. Interpretation or corrections of the contract documents shall be made only by addendum duly issued by the Project Manager, a copy of such addendum will be made available on the City webpage at: <http://www.Cityofcalabasas.com/public-notices.html>. Such addendum shall be considered a part of, and incorporated in, the contract documents. All timely requests for information submitted in writing will receive a written response from the City. Telephone communications with City staff are not encouraged, but will be permitted. However, any such oral communication shall not be binding on the City.

Contract Requirement

The proposer to whom the contract is awarded shall execute a written contract with the City within ten (10) calendar days after Notice of Award has been sent to the proposer. The contract/agreement shall be made in the form adopted by the City and incorporated in these specifications. The proposer represents that they possess, or have arranged through subcontracts, all capital and other equipment, labor and materials to carry out and complete the work hereunder in compliance with all Federal, State, County, City and Special District Laws, Ordinances, and Regulations, which are applicable.

Contract Assignment

The future Contractor shall not assign, transfer, convey, or otherwise dispose of the contract, or its right, title or interest, or its power to execute such a contract to any individual or business entity of any kind without the previous written consent of the City of Calabasas.

Non-Discrimination

In the performance of the terms of this contract, the contractor agrees that it will not engage in, nor permit such subcontractors as it may employ to engage in, discrimination in employment of persons because of age, race, color, sex, national origin, or ancestry, or religion of such person(s). This is not a prevailing wage job.



*Request For Proposal (RFP)
Fabrication and Installation of Citywide Catch Basin Curb Screens*

Payment Terms

Payments shall be made based on the number of installed and approved curb screens according to the fee schedule. The City's payment terms are 30 days from the receipt of an original invoice referencing the City's PSA and acceptance of the services.

Ownership of Reports and Data

The originals of all studies, reports, exhibits, documents data and/or material(s) prepared and/or used to comply with any section/condition of these specifications, plus any copies of same required by the agreement to be furnished to the City, shall be deemed to be public records which shall be open to inspection by the public and, as such, shall become and remain the property of the City. Contractor shall provide an electronic version of all reports, documents and drawings to the City on a flash drive.

Modification or Withdrawal of Submittals

Any proposal received prior to the date and time specified for receipt of proposals may be withdrawn or modified by written request of the proposer. To be considered, however, the modified proposal must be received by April 27, 2015 at 2:00 PM.

Property Rights

Proposals received within the prescribed deadline become the property of the City and all rights to the contents therein become those of the City.

Confidentiality

Prior to award of the contract, all proposals will be designated confidential to the extent permitted by the California Public Records Act. After award of the contract, or if not awarded, after rejection of all proposals, all responses will be regarded as public records and will be subject to review by the public. Any language purported to render confidential all or portions of the proposals will be regarded as non-effective and will be disregarded.

Amendments to Request for Proposal

The City reserves the right to amend the Request for Proposal by addendum prior to the final proposal submittal date.



Contract Term

This contract will cover services provided from the date the contract is signed by all parties through the completion of the Services, and may be extended upon mutual consent of the parties. The fee proposed by Proposer must be valid for the entire period unless otherwise conditioned in the Proposal.

Insurance

The Proposer shall meet the insurance requirements as outlined in Exhibit B: Professional Services Agreement, Section 11.

Non-commitment of City

This Request for Proposal does not commit the City to award a contract, to pay any costs incurred in the preparation of a Proposal for this request, or to procure or contract for services. The City reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified company or to modify or cancel in part or in its entirety the Request for Proposal, if it is in the best interests of the City to do so.

Public Domain

All products used or developed in the execution of any contract resulting from this Request for Proposal will remain in the public domain at the completion of the contract.

Termination

The City reserves the right to terminate this agreement upon five (5) calendar days from written notice to the contractor.

Required Timeframes

The contractor's office hours shall be open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, so that the contractor will be available to City staff.

Conflict of Interest Disclosure

In accordance with California Government Code Section 87306, the contractor awarded a contract may be required to file a Conflict of Interest Statement. If such requirement is made, the filing must be no later than 30 days after the execution of the contract, annually thereafter prior to June 30th of each year for the duration of the contract, and within 30 days of termination of the



*Request For Proposal (RFP)
Fabrication and Installation of Citywide Catch Basin Curb Screens*

contract. Failure to file any required statements will result in withholding payment for services rendered.

Removal and Cleanup of Work locations

Throughout all phases of installation, the Contractor shall keep the sites clean and free from rubbish and debris. The Contractor shall also abate dust nuisance by cleaning and sweeping, or other means as necessary. Upon completion of the Work, the Contractor shall remove all of its tools, materials and other articles from the property of the City.

Installation Schedule and Route

The Contractor shall provide the City a daily installation route for the entire week of installations; this schedule shall be submitted one week in advance of installation. The County of City Inspector may monitor installation of screen and identify any deficiencies and/or corrections in the field so as to resolve any issues immediately. The City will provide the Contractor a list of non-approved installations on a regular basis. Non-approved installation(s) shall be corrected within five (5) calendar days. The Contractor shall provide with all invoices the appropriate documentation to substantiated costs based on approved installations.

Working Hours and Holidays

The Contractor's authorized working hours for this project are from 7:00am to 6:00pm. The Contractor shall be cognizant and abide with street parking restrictions and schedule work accordingly. The Contractor shall be responsible for all traffic citations/fines incurred by its staff due to failure to follow this section. The working days for this project are Monday through Friday, excluding City-observed holidays.

Traffic Control

Contractor shall prepare and submit traffic control plans to the City for review and approval. All traffic control in the work area shall conform and be consistent with the general encroachment permit provisions and the latest California MUTCD code. Vehicles and personnel not complying with this requirement shall be ordered removed from the Work area and shall not be utilized again for the remainder of the work day. The Contractor shall have all vehicles, used for this project clearly display company name on the outside. The traffic control review fees shall be waived by the City.

Safety Plan

Safety is the responsibility of the Contractor. The Contractor shall observe and comply with the safety provisions of all applicable laws, building and construction codes as outlined in Title 8 of the California Code of Regulations (Code), safety and health regulations in the Code, and City Safety



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Policies. The Contractor shall comply with CAL OSHA's requirements for confined space entry for catch basins. If a work procedure or site condition exists that violates any of the above requirements, the City may order the Contractor to immediately comply with said safety provisions, and the Contractor shall comply with such orders at its own expense. If the Contractor fails to act promptly, the City may suspend the Work. Failure of the City to make such demands shall not relieve the Contractor of its obligations to secure the safe conduct of the Work.

Contractor State License Requirements

The Contractor shall hold a California State Issued License, **Class A** – General Engineering Contractor. The Contractor shall submit evidence of current license status with the bid, failure of the Contractor to submit will render the bid non-responsive.

Inspections

City reserves the right to inspect the work being accomplished by the contractor at any time.

Duration

It is expressly understood and agreed that the time of start, the rate of progress, and the time of completion of the work are of the essence. There will be 2 separate phases for delivery of information and completion of the work:

- a. The duration to provide shop drawings and all required information to obtain County permits is 30 calendar day after the award of contract.
- b. The duration of a purchase order of catch basin screen covers under this contract including fabrication, design, construction, delivery and installation of catch basin opening screen covers shall not exceed 6 months from the contract award date. Failure to complete installation per the deadline will subject the Contractor to liquidated damages of \$200 per calendar day.

Liquidated Damages for Late Installation

Any delay in the installation of any of the units beyond the date established in the contract, will result in added expense to the City. The Contractor shall pay the City liquidated damages for such delay. Inasmuch as the amount of such damage will be extremely difficult to ascertain, the vendor agrees to compensate the City in the amount of Two Hundred (\$200) Dollars per each calendar day beyond the completion date specified in the contract. The City will have the right to deduct and retain the amount of such liquidated damages from any monies due to the Contractor under the contract.

The Contractor shall be entitled to a reasonable extension of time for unavoidable delays in installation due to causes not reasonably foreseeable by the parties at the time of the execution of this contract and which are entirely beyond the control and without the fault or negligence of the



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Contractor, including, but not limited to, acts of terrorism, war or other national emergency making delivery temporarily impossible or illegal, strikes and labor disputes not brought on by any act or omission of the Contractor, fires, floods, earthquakes, tsunamis, landslides, epidemics, quarantine restrictions, or freight embargoes.

Existing Infrastructure

The installation of the catch basin opening screen covers shall not cause any damage to the existing sidewalk, curb, gutter, and surrounding area. Some catch basins may contain horizontal or vertical inserts installed within the catch basin; therefore, the Contractor shall exercise special care during the installation of the catch basin opening screen covers not to cause any damage to the existing inserts. If such damage occurs, it is the Contractor's responsibility to make the necessary repairs to the satisfaction of the City and at no additional cost to the City.

Preliminary Catch Basin Measurement

The Contractor shall visit all catch basins locations within fifteen (15) working days and record the curb opening length and curb opening height. The Contractor shall submit written records of its measurements to the City. All catch basin locations determined by the Contractor to be suitable for installations shall be marked with water based marking chalk, white in color with three inch (3") letters showing geographical location (i.e., NW corner, ES corner, etc.) on the maintenance hole cover only. The Contractor shall make detailed measurements of each catch basin for the proper fabrication of the curb screens based on its product requirements. Improper fabrication of curb screens due to errors in the Contractor's measurements shall be corrected at its own expense. All costs involved in complying with this requirement shall be included in the Contract fee schedule.

Preliminary Catch Basin Inspection

The Contractor shall inspect each catch basin for unsound conditions such as but not limited to: a) exterior damage, b) bent or missing protection bars, c) damaged maintenance holes and maintenance hole covers, d) damaged face plate, e) other physical damage, and f) cemented materials that have been dumped on or into the basin and cannot be removed by normal cleaning operations. Since these types of conditions may interfere with the installation of the opening screen covers, a list of catch basins with such conditions shall be submitted to the City immediately upon discovery. Any subsequently disclosed damage to a catch basin not included in the list submitted by the Contractor will be assumed to be the result of the Contractor's operation and shall be corrected at the Contractor's expense. All costs involved in complying with the inspection requirement shall be included in the Contract unit price for the applicable bid item.



*Request For Proposal (RFP)
Fabrication and Installation of Citywide Catch Basin Curb Screens*

Catch Basin Repairs

Contractor shall repair all cracks within Eighteen inches (18") of the catch basin openings occurring on catch basin, curb, gutter, sidewalk and especially the catch basin top plate. Cracks shall be repaired with appropriate filling materials pre-approved by the City and or in accordance with the latest edition of Green Book specifications.

Catch Basin Cleaning

Catch basin must be completely cleaned out and the storm drain line entering or exiting the catch basin must be cleaned out within the accessible reach prior to installation of curb screens. All removed debris must be disposed of by the contractor at landfills. The cost of cleaning and disposal of debris shall be included in the unit price.

SECTION V: PRODUCT SPECIFICATIONS

The Contractor shall provide, design, supply, fabricate, obtain permits, construct, deliver and install catch basin curb screens at all city catch basins that have not already been retrofitted with a stainless steel retractable device. Contractor shall visit and measure each catch basin and obtain all information necessary for fabrication of screens prior to applying to County permit.

1. SUBMITTALS FOLLOWING CONTRACT AWARD

No fabrication shall be performed prior to City and County approval of the engineering drawings and successful field installation optimization. Failure of the Contractor to address the City' assessment comments on either the engineering drawings or the installation optimization may cause the City not to issue any purchase order under this Contract. The City reserves the right to procure the items or services from other sources and to hold the Contractor responsible for any excess costs occasioned to the City for failure of the Contractor to address the City/County assessment comments on either the engineering drawings or the installation optimization.

1.1 Engineering Drawings

Prior to the fabrication of the purchase order from this Contract, the Contractor shall submit to the City for approval engineering drawings, catalog cuts, and other information required by the County which completely describe the unit(s) to be installed under this Contract for assessment within five (5) working days of contract award. Upon request by City, Contractor shall provide any information needed to obtain County permits.

All engineering drawings, catalog cuts, and other information describing the units to be installed must be approved by the City. The following information shall be included in this submittal for each type of unit(s):

- a. Detailed engineering drawings and description of all components of the unit, materials used, connection details, assembly details, and mounting details.
- b. Installation details and instructions.
- c. Recommended cleaning and maintenance schedule and procedures to maintain the unit properly functioning, including parts replacement schedule for the entire unit.

Engineering drawing assessment will continue until the satisfaction of the County. Contractor shall have three (3) working days to respond to City's assessment comments for each iteration. The Contractor shall furnish to the City an electronic copy of the engineering drawings for each assessment. The Electronic file shall be in the latest version of AutoCad, and also in PDF format. Any City required revisions during the engineering drawing assessment shall be made by the Contractor at no additional cost to the City.



1.2 Warranties

The Contractor shall and does hereby warrant that all Work executed under this Contract will be performed with good workmanship. The Contractor shall and does hereby warrant that all Work will fit for the purpose stated in the specifications and subsequent amendments thereto, be merchantable, and be free of defects in materials used. All warranties for the curb screens and its metallic components shall be for a period of five (5) years from the date of final acceptance of the Work.

The Contractor shall repair or replace, at no cost to the City, any and all such defective Work and all other Work damaged thereby, which is found to be or becomes defective during the term of the above-mentioned guaranties and warranties.

The Contractor shall, within twenty-four (24) hours of notice from the City of any Work not in accordance with the requirements, or any defects in the Work, commence and prosecute with due diligence all Work necessary to fulfill the terms of this Section and to complete the Work within a period of time as approved by the City. The Contractor shall notify the City before commencing the repairs.

The Contractor shall submit to the City a written report of the defect and methods of correction. In the event of failure by the Contractor to respond to the notice or to complete the Work required by this Section within the time specified, the City will proceed to have such Work done at the Contractor's expense. The Contractor shall promptly reimburse the City all direct and indirect cost associated with performing this Work.

The Contractor shall submit to the City copies in electronic version, within thirty (30) calendar days after approval of engineering drawings and subsequent renewals, if appropriate, of all manufacturer guaranties covering all materials to be furnished under this contract.

2. APPLICATION

The City anticipates that all of the installations to be on curb opening catch basins. The following information is in addition to County requirements. In case of conflict, County requirements supersede these specifications:

- a. The catch basin curb screen may have a width that covers the height of the catch basin curb opening minus 2" opening for overflow. Fixed screen material with maximum width of three inches (3") may be used to mitigate curb opening length variations at either end.
- b. The entire catch basin curb screen shall pivot parallel to the street surface from the top only.



- c. The catch basin curb screen may be installed from inside the catch basin and the installation shall be perpendicular to the street surface.
- d. The catch basin curb screen shall have the applicability of being recessed one and half inches (1 ½") to two inches (2") into the catch basin curb opening with no part of the cover protruding outside of the catch basin curb opening. Recessed distance shall be measured from the curb batter.
- e. The catch basin curb screens shall be removable solely by entry into the catch basin. All parts of the screen cover shall be sized to fit through the maintenance hole or curb opening when the unit is disassembled.
- f. The catch basin curb screens shall have a means to manually open and close them from the street-side.
- g. The vertical distance between the screen gate and the upper underside of the curb opening shall not exceed two inches (2"). The vertical distance between the screen gate and the lower portion of the curb opening shall not exceed one half inch (1/2"). The horizontal distances between the screen gate and the side walls shall not exceed one half inch (1/2").
- h. The catch basin opening screen cover shall remain in the closed and locked position during periods of no rain. The sole use of torsion springs as a locking mechanism shall not be allowed.
- i. The vertical support bars that may be found in some catch basin openings shall not be removed but multiple opening screen cover units shall be installed between the existing vertical support bolt(s) to span the entire curb opening width.
- j. The catch basin curb screen shall not have any components, accessories, frames, or brackets within the catch basin that will prevent the installation of vertical catch basin inserts or that inhibit the operation of existing catch basin inserts. No catch basin opening screen cover component shall hang lower than the bottom lip of the catch basin curb opening.
- k. No catch basin curb screen component shall obstruct the catch basin maintenance opening found on the deck of the catch basin.
- l. The bottom horizontal lip of the curb opening catch basin shall not be used as an anchor point for the opening screen cover.
- m. Screen placed on restricted curb zones shall be powder-coated to match the highest quality of the same color of the curb, prior to installation.



CITY of CALABASAS

ADDENDUM NO. 1

FABRICATION AND INSTALLATION OF CITYWIDE CATCH BASIN CURB SCREENS

Date: April 23, 2015
 From: City of Calabasas
 TO: Interested Proposers
SUBJECT: Additional information with regards to RFP issued on April 7, 2015

Addendum No. 1 contains responses to questions received. This addendum shall be considered a part of, and incorporated in, the contract documents. Proposers must acknowledge on submittal form No. 3 that this addendum has been received and has been examined as part of the proposal. Additionally, the submittal forms have been revised. Please use the attached forms.

QUESTION/COMMENT	ANSWER
Q1-A Section I, General Scope of Services-- Per item b) the scope of work shall include "obtain required permit from the County". How many County drains are involved in this project?	A1-A Ownership of drains is not an issue in producing a proposal.
Q1-B Will the City of Calabasas be paying the permit fees separately or is the cost for both obtaining and implementing the permits to be included in the proposal price?	A1-B The permit fees will be paid by the City of Calabasas separately. The contractor will serve as an agent for the City and will be responsible for obtaining, implementing, and complying with the permits. The cost of these services shall be included in the proposal.
Q1-C United requests that a line item be added to the Fee Schedule (Form 5) for Flood Control Permits, and that the specs be revised to include a detailed scope of work for this process.	A1-C There will be no separate line item added to the fee schedule for LA County Public Works Department permits. It is also expected that



FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
Addendum No. 1

	<p>applicants have an understanding of the County of Los Angeles permit process and be familiar with the application process and requirements.</p>
<p>Q2 Section I, General Scope of Services-- Per item e) the scope of work shall include "testing each screen covers for proper operation". Define "testing". Does this refer to ensuring manual operation of the devices or water testing? Please provide testing specs including the process to be used and percentage of screens to be tested.</p>	<p>A2 Testing applies to both the task of ensuring the manual operation of ARS units that are being installed and the required water testing of a percentage of installed ARS units set by the County of Los Angeles. All installed units shall meet the County of Los Angeles standard inspection and approval requirements.</p>
<p>Q3 Per Section IV, page 9, last sentence--"This is not a prevailing wage job." ...prevailing wage applies to all public works projects in excess of \$10,000. Please confirm that prevailing wage applies to this project as well as the employment of apprentices (applies to all public works projects in excess of \$30,000).</p>	<p>A3 As stated on the RFP, "This is not a prevailing wage job." This project falls under the category of a maintenance and upgrade of the storm drain system.</p>
<p>Q4 Per Section IV, page 13, Contractor State License Requirements-- "The Contractor shall hold a California State Issued License, Class A - General Engineering Contractor." There is no mention of subcontractors anywhere in the bid specs. Please confirm that all work to be performed under this contract must be performed without the use of subcontractors. If subcontractors are allowed, confirm the percentage of subcontracting allowed and that they must also hold a Class A contractor license. In this case provide a form for Bidders to submit subcontractor information.</p>	<p>A4 Subcontractors are allowed. They are mentioned on pages 9, 29,30,31,32. There is currently no set percentage of subcontracting allowed. A separate form for subcontractors will not be provided, consent will need to be asked of the city, and qualification will need to be provided prior to hiring a subcontractor. A Class A license is required from the subcontractor performing any field work.</p>
<p>Q5 Per Section IV, page 13, Duration, item b)-- "The duration of a purchase order of catch basin screen covers under this contract including fabrication, design, construction, delivery and installation of catch basin opening screen covers shall not exceed 6 months from the contract award date." Please confirm that the Contractor</p>	<p>A5 The contractor is allowed to perform installations as soon as shop drawings have been approved and permits have been granted for the catch basins scheduled to have ARS units installed. The contractor will need to abide by City of Calabasas rules and regulations</p>



FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
Addendum No. 1

<p>will be allowed to perform installation of all devices consecutively and without any lapses in scheduling.</p>	<p>regarding working hours and holidays. The installation shall not exceed 6 months from the contract award date.</p>
<p>Q6 Per Section IV, page 14, Preliminary Catch Basin Measurement--"All catch basin locations determined by the Contractor to be suitable for installations shall be marked with water based marking chalk, white in color with three inch (3") letters showing geographical location (i.e., NW corner, ES corner, etc.) on the maintenance hole cover only." Please confirm if this is required. This system of marking seems very illogical since maintenance hole covers will be located adjacent to each curb opening.</p>	<p>A6 This provision is now removed from the RFP.</p>
<p>Q7 Per Section IV, page 15, Catch Basin Repairs-- Approximately what percentage of catch basins will require repairs for this project?</p>	<p>A7 This section is deleted from the RFP. If a catch basin is compromised in such a way where installation is not feasible, the contractor shall notify the City to make a determination and manage the repair.</p>
<p>Q8 Per Section IV, page 15, Catch Basin Cleaning-- Has the City been cleaning all of the subject catch basins on a regular basis? When were the catch basins last cleaned? What volume of waste has been removed during each cleaning event?</p>	<p>A8 Cleaning is done on an as needed basis, there is no fixed schedule. There is no data on the volume of waste removed per cleaning event. The contractor should visit the site and make reasonable assumptions as to the level of cleaning that should be required.</p>
<p>Q9 Per Section V, page 18, item m How many screens will be placed on restricted curb zones?</p>	<p>A9 Approximately 5% of catch basins are within a restricted curb zone. Contractor shall verify the quantity.</p>
<p>Q10 Per Form No. 1, page 20, last paragraph--"IN WITNESS WHEREOF, this instrument has been duly executed by Bidder and Surety..." Bid bond and performance and labor bond specs were omitted. Please provide all required bond forms and specs for this project.</p>	<p>A10 This contract does not require this bonding provision the "Surety" term has been removed from Form #1. Please use the updated Form #1, #4, and #5.</p>

End of Addendum



CITY of CALABASAS

ADDENDUM NO. 2

FABRICATION AND INSTALLATION OF CITYWIDE CATCH BASIN CURB SCREENS

Date: April 24, 2015
From: City of Calabasas
TO: Interested Proposers
SUBJECT: Additional information with regards to RFP issued on April 7, 2015

This addendum shall be considered a part of, and incorporated in, the contract documents. Proposers must acknowledge on submittal form No. 3 that this addendum has been received and has been examined as part of the proposal.

The submittal deadline has changed/postponed to Thursday, April 30, 2015 at 2:00PM.

End of Addendum



CITY of CALABASAS

ADDENDUM NO. 3

FABRICATION AND INSTALLATION OF CITYWIDE CATCH BASIN CURB SCREENS

Date: April 29, 2015
 From: City of Calabasas
 TO: Interested Proposers
SUBJECT: Additional information with regards to RFP issued on April 7, 2015

Addendum No. 3 contains a response to questions/comments received. This addendum shall be considered a part of, and incorporated in, the contract documents. Proposers must acknowledge on submittal Form No. 3 that this addendum has been received and has been examined as part of the proposal.

Question/Comment	Answer
Q.1 - Special permits will be required for County-owned drains located within Los Angeles County Flood Control areas. It is imperative that ALL BIDDERS be advised via addendum regarding the quantity of County owned drains.	A. 1 - City of Calabasas does not have that information. It's estimated that approximately 90% of storm drain lines are owned by the County of Los Angeles Flood Control District. Retrofitting any drain within the City of Calabasas (regardless of the ownership) requires permit and approval from Los Angeles County Public Works Department and must be inspected and accepted by LA County inspectors.
Q.2 – What percentage of water testing to be performed on the automatic retractable screens?	A.2 – The testing shall be performed by the County of Los Angeles inspectors. In City's previous catch basin full capture project, the County required 25% testing. We assume that the percentage will remain the same for this project. Proposers shall verify the information with the County of Los Angeles Public Works Department prior to submitting their proposal.

End of Addendum

G2 Construction, Inc.'s

**Proposal &
Statement of Qualifications**

April 29, 2015

For

City of Calabasas RFP

**FABRICATION AND INSTALLATION OF CITYWIDE CATCH
BASIN CURB SCREENS**

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FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
Addendum No. 1

Form No. 1: PROPOSER'S INFORMATION

Proposer certifies that the following information is true and correct:

Proposer's Name: G2 Construction, Inc.

Business Address: 13331 Garden Grove Blvd, Unit K
Garden Grove, CA 92843

Telephone: 714-748-4242 Fax: 714-748-4242

E-mail: info@g2construction.com

State Contractor's License Classification: A, C8, C60 CSLB's License Number: 801253

The following are the names, titles, addresses, and telephone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

John R. Alvarado, President, G2 Construction
1826 Evon Lane, Santa Ana, CA 92706

The date of any voluntary or involuntary bankruptcy judgments against any principal having an interest in this proposal, or any firm, corporation, partnership or joint venture of which any principal having an interest in this proposal was an owner, corporate officer, partner, or joint venturer are as follows:

Not Applicable

All current and prior DBA's alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

Not Applicable



CITY of CALABASAS

FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
Addendum No. 1

IN WITNESS WHEREOF, this instrument has been duly executed by Proposer, on the date set forth below, the name of each corporate party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Proposer: G2 CONSTRUCTION, INC. Dated: 4/24/15.

The undersigned declares under penalty of perjury under the laws of the State of California that the representatives made hereto are true and correct. Furthermore, the undersigned certifies that this company is not debarred, suspended, or otherwise excluded from participating in this project and is not on the Comptroller General's list of in-eligible companies.

Contractor's Signature:

 PRESIDENT G2

Printed Name:

JOHN R. ALVARADO



FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
Addendum No. 1

Form No. 3: RECEIPT AND ACKNOWLEDGMENT OF ADDENDUM

Proposer: G2 CONSTRUCTION, INC.

Name of Authorized Representative: JOHN R. ALVARADO, PRESIDENT G2 

I acknowledge that the following addenda have been received and have been examined as part of the proposal:

Addenda No.	Date Received	Signature
1	4/23/15	
2	4/24/15	
3	4/29/15	



FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
 Addendum No. 1

Form No. 2: REFERENCES

No	# of Installations	Company/Agency	Contact Person	Telephone #	Type(s) of device installed	Date(s) of Installation
1	878 ARS devices in 394 CBS	Culver City	Steve Finton, P.E.	310-253-6457	ARS+CPS	6/2014 - 12/2014
2	179 ARS devices in 2015; ~1,500 ARS over 10 yrs.	City of Laguna Hills	Humza Javed, P.E.	949-707-2650	ARS	2/2015
3	204 ARS devices	City of Lake Forest	Devin Slaven, P.E.	949-461-3436	ARS	1/2015
4	306 ARS in 2015; >700 ARS over 2 yrs.	City of Buena Park	Doug Brodowski	714-461-3486	ARS+CPS	12/2014
5	189 ARS devices in 85 CBS	Los Angeles County DPW WMU0000005	Kaony Huon County Inspector	626-445-4811	ARS	2/2014

G2's CREDENTIALS Firm Background & Experience

G2 Construction started operations in 2001 with strong foundations in welding, concrete construction, shop fabrication, and field work. The company began designing, fabricating, and installing Automatic Retractable Screens (ARS) and other stormwater protection devices for Los Angeles County Department of Public Works (LACDPW) and southern California municipalities in 2002. Since then, G2 has manufactured and installed tens of thousands of LACDPW approved ARS on hundreds of stormwater projects in the Los Angeles area. G2 offers complete solutions by performing project evaluation and consultation on stormwater devices and then designing, fabricating, and installing highly effective devices to meet and exceed specifications.

G2's General Credentials:

- California Contractor Licenses: A (General Contractor), C-8 (Concrete), C60 (Welding)
- LACDPW Approved products: ARS CL12™, CPS, EDC13 Filter Basket
- Orange County Public Works (OCPW) Approved products: (all)
- OCPW ranks G2 Construction as their #1 stormwater device provider (2014 RFP).
- Orange County Transportation Association (OCTA) ranks G2 as their #1 vendor in 2014.
- Association of Bay Area Governments (ABAG) Approved products (all)
- Disadvantaged Business Entity (DBE) certified. (see attached)
- Small Business Entity (SBE) certified. (see attached)
- Veteran Owned Business Entity
- High degree of familiarity with Local, State, and Federal government procedures, regulations and reporting.

G2's Direct Experience for this Calabasas Project - Los Angeles County

- ARS CL12™ is manufactured by G2, and is approved by LACDPW for installation in County catch basins. It has been tested at the County's San Gabriel Dam test site. G2's ARS has been installed on dozens of County involved projects and County Inspectors have approved every installation.
- G2 is very familiar with the process for obtaining an LA County Flood Control Permit and with successfully completing the project and closing the permit. G2 has worked with the County on many City projects requiring a County Flood Control permit. In 2014, G2 installed ARS and CPS in 394 catch basins for Culver City. Some other County projects include La Canada Flintridge, Rosemead, Calabasas, private construction, and Kiewit's 405 project.
- LACDPW recommended and approved G2 Construction to install our ARS CL12™ in all catch basins for project WMU0000005 (2013-14) *Los Angeles River Trash Total Maximum Daily Load Compliance Catch Basin Retrofit – Phase 7, et al.* after the original contractor was unable to install ARS. This project was completed quickly and successfully.

- G2 won these projects then fabricated and installed ARS directly for the County:
 - LACDPW project FCC 902 "Los Angeles River TMDL Compliance Catch Basin Retrofit – Phase 3" (2009). \$887,726 final contract.
 - LACDPW project "Malibu Creek Watershed Trash Total Maximum Daily Load Full Capture Devices" (2010). \$258,732 final contract.

G2's Direct Experience for this Calabasas Project - City of Calabasas

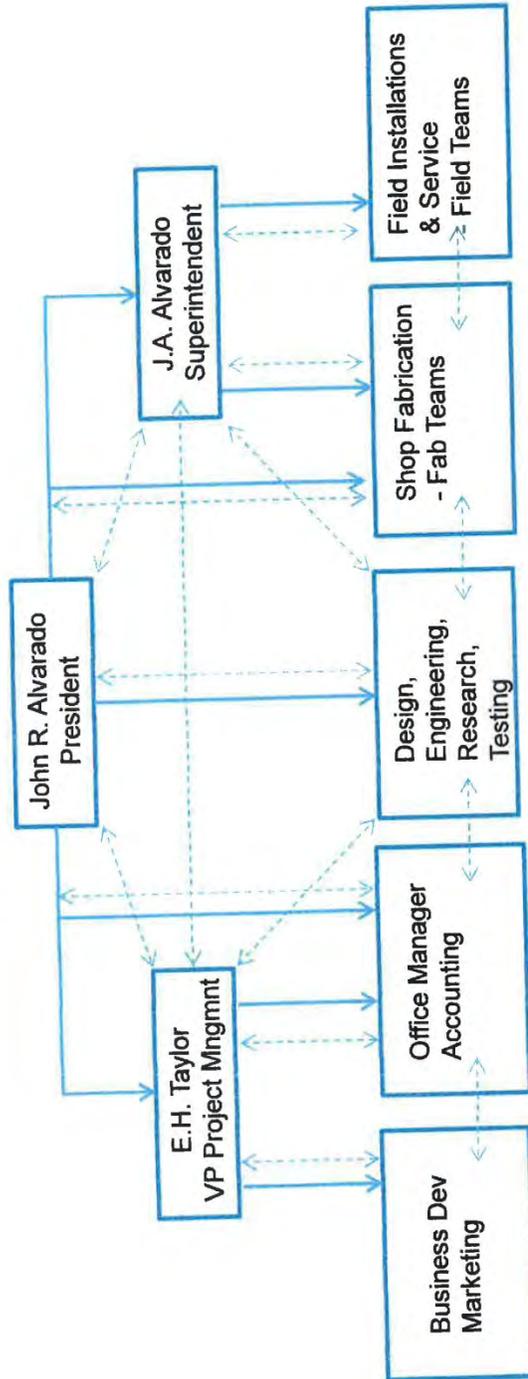
- G2 successfully worked with the City of Calabasas in 2013 on the *Fabrication and Installation of Full Capture Catch Basin Devices* to install more than 400 ARS CL12™ devices, as well as connector pipe screens, in 156 CBs on a County Flood Control Permitted project very similar to the current proposed Calabasas project. G2 understands the City's processes and procedures and works very effectively with the City's key personnel.
- G2's manufacturing and installation experience, capabilities, and speed has increased dramatically since 2013. G2 has the ability to successfully manufacture and install ARS CL12™ at a sustained rate of more than 150 catch basins per week. This is reflected in the Proposed Installation Timeline.
- With fine tuning and experience, today's ARS CL12™ works and looks even better than our 2013 installations.

Today, G2 installs thousands of stormwater devices annually for public agencies and private construction in catch basins on both retrofit and new construction projects. We have grown to become the stormwater industry's leader by offering very effective products at a great value. G2 has become the trusted solution provider over the past decade and have very satisfied customers.

Additional References - Supplementing Form#2

6	109 ARS devices in 55 CBs	City of Placentia	Michael McConaha	714-993-8131	ARS	3/2015
7	100+ ARS devices in 30+ CBs	Kiewit Construction (405 Widening Proj)	John Newsom	310-351-3573	ARS & CPS	2014
8	407 ARS devices in 156 CBs	City of Calabasas	Alex Farassati, PH.D.	818-224-1600	ARS & CPS	2013
9	500+ ARS over 10 yrs	City of West Hollywood	Mila Sologub	323-848-6338	ARS	2004-2014
10	25 CPS	City of Simi Valley	Kay Allen	805-583-6424	CPS	4/2015

G2 Construction, Inc. Organization Chart



Proof of Class A License, DBE, SBE, & Veteran owned

Contractor's License Detail for License # 801253

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations:

- CSLB computer database is restricted by law (Public Access) if this entry is subject to public complaint disclosure a link for complaint is available on the right side. Click on the link for action to obtain complaint and/or application information.
- For **FEES** only construction related judgments reported to the CSLB are disclosed.
- Applications are not listed unless the contractor fails to comply with the terms of the application.
- Due to individual data may be relevant information may not yet been entered into the Board's system.

Business Information

G2 CONSTRUCTION, INC.
13331 GARDEN GROVE BLVD STE K
GARDEN GROVE, CA 92643
Business Phone Number (714) 440-1000

Entity: Corporation
Issue Date: 11/02/2011
Reissue Date: 05/11/2020
Expire Date: 09/01/2016

License Status

This license is current and active.
All information below should be reviewed.

Classifications

- Construction - General Contracting
- Construction - Electrical
- Construction - Mechanical

Online Services

- Check a License or HR Registration
- License Agent Search
- Forms and Applications
- Complaints and Mediation
- CSLB Licensure and Reciprocity
- List of All CSLB Fees
- License Classifications
- Contractor Newsletters
- Accountant Status
- Application Status (Personal)
- Application Status by Professional Name
- Application Status by Business Name

Metro CALIFORNIA UNIFIED CERTIFICATION PROGRAM

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-7957
213.923.3000 tel
metro.net

January 6, 2014

CIJCP #41740
Metro File # 6371

John Alvarado
G2 Construction, Inc
13331 Garden Grove Blvd, Unit K
Garden Grove, California 92693

RE: Disadvantaged Business Enterprise Certification

Dear John Alvarado

We are pleased to advise you that after careful review of your application and supporting documentation, the Los Angeles County Metropolitan Transportation Authority (Metro) has determined that your firm meets the eligibility standards to be certified as a Disadvantaged Business Enterprise (DBE) as required under the U.S. Department standards to be certified as a Disadvantaged Business Enterprise (DBE) as required under the U.S. Department of Transportation (U.S. DOT) Regulation 49 CFR Part 26, as amended. This certification will be recognized by all of the U.S. DOT recipients in California. Your firm will be listed in the California Unified Certification Program (CIJCP) database of certified DBEs under the following specific areas of expertise that you have identified on the NAICS codes form of the application package:

Metro CALIFORNIA UNIFIED CERTIFICATION PROGRAM

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-7957
213.923.3000 tel
metro.net

January 6, 2014

Metro File # 6371

John Alvarado
G2 Construction, Inc
13331 Garden Grove Blvd, Unit K
Garden Grove, California 92693

Re: Small Business Enterprise Certification

Dear John Alvarado

We are pleased to advise you that after careful review of your application and supporting documentation, the Los Angeles County Metropolitan Transportation Authority (Metro) has determined that your firm meets the eligibility standards to be certified as a Small Business Enterprise (SBE) as required under Metro's SBE program. Your firm will be listed in Metro's SBE database of certified SBEs under the following specific areas of expertise:

Veteran Owned Business

John R. Alvarado
US Marine Corp Veteran
G2 Construction President & Owner

Understanding the Project Scope

G2 Construction understands that the City of Calabasas plans to have screen covers installed on all of the City's catch basins (approx. 1,068) to prevent trash and debris from flowing into the Calabasas Creek tributary to LA River and Malibu watersheds. This also meets the Regional Water Quality Control Board's TMDL. G2 also understands that a large portion of the catch basins are owned by Los Angeles County, and the County requires a Flood Control Permit. From start to finish, the project is to be completed within 6 months of work.

If selected, G2's Scope of Work will include:

- Preliminary Catch Basin Measurements (length & height) of every CB for the City's records, for submittal for County permit, and G2's custom fabrication of the screen.
- Preliminary Catch Basin Inspection, evaluation, and recommendations for the City's review. Repairs as directed by and agreed with the City.
- Manage the process of obtaining the required LA County Flood Control Permit as authorized by the City's Project Manager and the County.
- Remove old catch basin devices / BMPs – approximately 60 devices.
- Fabricate custom sized screens (ARS CL12™) to meet all requirements of both the City and the County. Screens will be custom fitted between the CB support bolts.
- Powder coat the screens to match the curb for catch basins in restricted areas – approximately 5% of CBs.
- Catch basins will be cleaned by a professional, experienced CB cleaning company, and G2 will manage this sub-contractor. In the unlikely event the City does not approve of our sub-contractor, then G2 will self-perform the CB cleaning and pay disposal fees.
- Custom installation of our ARS CL12™ screens using safe procedures, with traffic control per California MUTCD code, with proper cleanup of work locations.
- Perform dry mechanical tests all of each installation during G2's internal quality assurance inspections.
- Perform water tests of 25% of installations for County and City Inspectors (as typically required by the County).
- County inspection and approval of all installations.
- Project Management and flow of communication to the City that includes the installation schedule and route, and status of each catch basin install.
- Provide training material to include the operation and maintenance of the screens, and including the means to manually open and close them from the street side.
- Warranty to guarantee the proper operation of all devices for five (5) years.

G2's Proposal

G2's proposes to fabricate and install our ARS CL12™ (patent pending) for the City's Fabrication and Installation of Citywide Catch Basin Curb Screens project.

Our proposal includes:

- 1) Meeting 100% of RFP's stated Scope.
- 2) Installing the industry's most effective and respected retractable catch basin screen – the ARS CL12™.
- 3) Providing a 10-Year Warranty on the ARS CL12™ (twice the required 5 years). This doubles the guaranteed productive life of the City's ARS.
- 4) Installing ARS that will match the function and look of the City's existing 400+ ARS in 150+ catch basins already installed in Calabasas. This reduces the training and maintenance time that is required when using multiple device types.
- 5) Applying G2's extensive experience accelerating and acquiring the required LA County Flood Control Permit.
- 6) Project management performed by a certified project management professional (PMP), Eric H. Taylor.
- 7) Project oversight and direction by G2's President and CEO, John R. Alvarado.

G2 understands this project is the result of grant funding, and those funds are limited. G2 will complete the City's project successfully with the funds available for the project.

Our Fee Schedule accounts for the many hidden costs unknown to less experienced contractors. Such as the extensive time for initial field measurements and reports, guiding the County permit process, designing each ARS, powder coating, the detailed installation requirements, traffic control needs, protection-bar fixing after the install, inspections, mechanical testing and water testing, final reporting, and more. G2 offers the City of Calabasas our lowest pricing for any contract.

Please see drawings and photos of our ARS CL12™, and our Proposed Installation Timeline & Payment Schedule. Please note, G2 is not providing the required "Authorization Letter" since we are the direct manufacturer of the product.

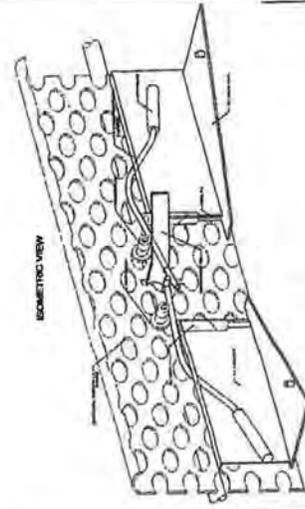
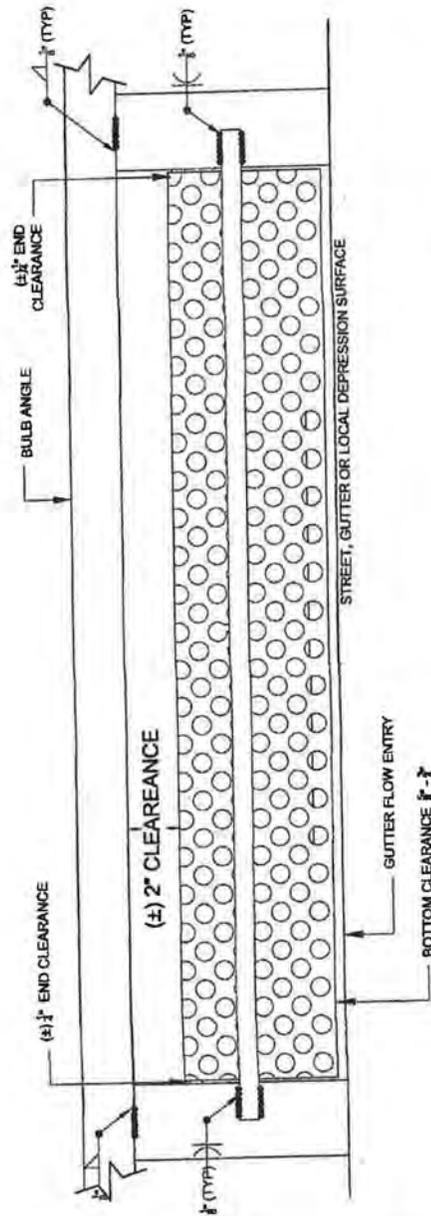
We look forward to working with the City to accomplish your project goals.

Respectfully,


G2 Construction, Inc.

G2 Construction, Inc.
Automatic Retractable Screen
Model: CL12™
Double Cam Locking Technology
Patent Pending!

FRONT VIEW



G2 Construction, Inc.

13331 Garden Grove Blvd, Suite K
Garden Grove, CA 92843
(714) 748-4242 - OFFICE

G2's Installs of ARS CL12™



Calabasas ARS CL12™ original install 9/13/2013



Same installation photo'd 4/23/2015

Functioning and looking the same after first 20 months.

Recent Installs



City of Placentia – Installed March, '15



City of Lake Forest – Installed Jan., '15

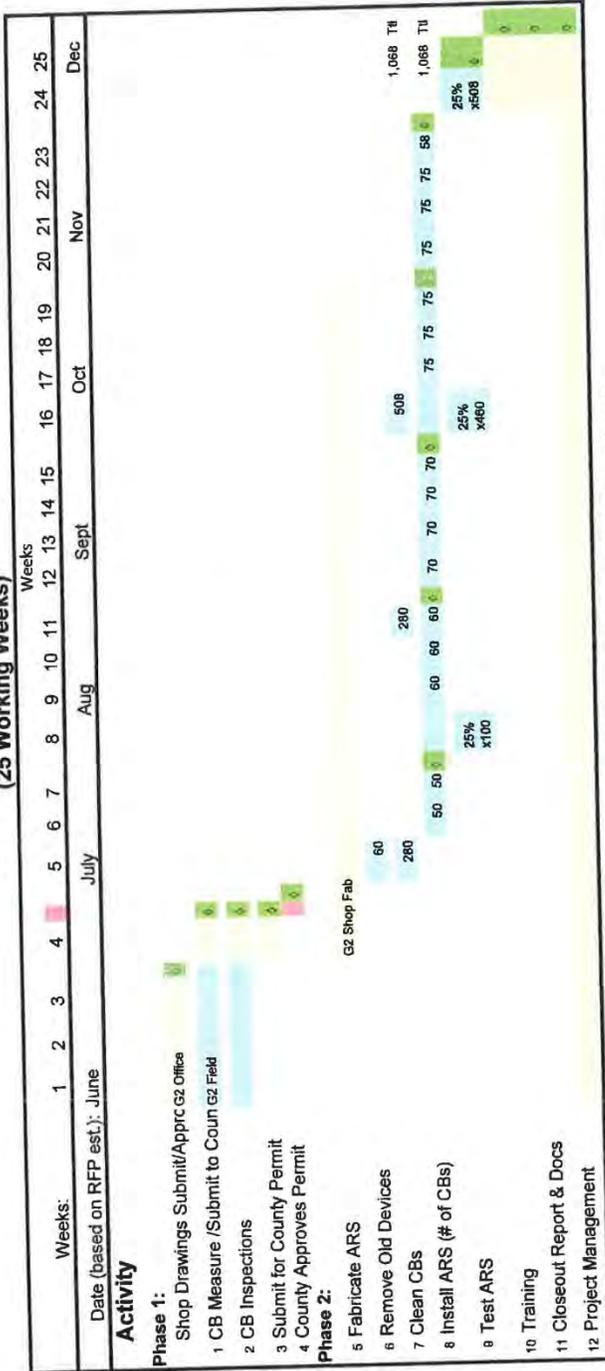


City of Lake Forest – Installed Jan, '15



Mission Viejo – Installed Jan., '15

**G2's Proposed Installation Timeline
 (25 Working Weeks)**



G2's Proposed Payment Schedule

Payment For	Trigger Point	Payment	Target Date
1 Measurements, Inspection, Submittal	Report Submitted to City/ County	\$20,000	Week 4
Mobilization - Fabrication Materials	Report Submitted to City/ County	\$100,000	Week 4
2 Removals & ARS Installs (100 CBs)	Removals & 100 CBs Installed	\$150,000	Week 8
3 ARS Installations (180 CBs)	180 CBs Installed	\$150,000	Week 12
4 ARS Installations (280 CBs)	280 CBs Installed	\$150,000	Week 16
5 ARS Installations (225 CBs)	225 CBs Installed	\$150,000	Week 20
6 ARS Installations (283 CBs)	Remaining CBs Installed	\$150,000	Week 24
7 Inspections	All CBs Inspected	\$100,000	Week 26
8 Retention (10%)		\$107,380	30 Days after Final Approval & Sign Off
Total		\$1,077,380	



CITY OF CALABASAS

FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
Addendum No. 1

Form No. 4: Non-Collusion Affidavit

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

JOHN R. ALVARADO being first duly sworn, deposes and says that he or she is

PRESIDENT of G2 CONSTRUCTION, INC., the party making the foregoing proposal, that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that the proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the proposer or any other proposer, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other proposer, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further, that the proposer has not, directly or indirectly, submitted his or her proposal 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, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal."



Signature of Proposer

Business Address: 13331 GARDEN GROVE BLVD "K" GARDEN GROVE, CA 92843

Place of Residence: 1826 EVON LN, SANTA ANA, CA 92706

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__ See Attachment

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- (See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me
on this 24 day of April, 2015
by Date Month Year
(1) John Ralph Alvarado
(and (2) N/A),
Name(s) of Signer(s)



proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature _____
Signature of Notary Public

Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Non-Collusion Affidavit Document Date: 4/24/15
Number of Pages: 9 Signer(s) Other Than Named Above: N/A



CITY of CALABASAS

FABRICATION AND INSTALLATION OF CITYWIDE CATH BASIN CURB SCREENS
 Addendum No. 1

Form No. 5: FEE SCHEDULE

Furnish and/or install automatic retractable screen (ARS) based on the following approximate dimensions. The following quantities are for pricing only. The final count of catch basins will be determined based on the approved retrofitted catch basins by the County of Los Angeles and installed by the contractor.

Item No.	Length (ft.)	Unit	Estimated Quantity	Unit Price		Extended Price	
				Fabrication	Installation	Fabrication	Installation
1	2	EA	6	\$ 260	\$ 140	\$ 1,560	\$ 840
2	3	EA	23	\$ 260	\$ 140	\$ 5,980	\$ 3,220
3	3.5	EA	219	\$ 270	\$ 145	\$ 59,075	\$ 31,810
4	4	EA	20	\$ 276	\$ 149	\$ 5,525	\$ 2,975
5	5	EA	13	\$ 293	\$ 158	\$ 3,803	\$ 2,048
6	6.5	EA	21	\$ 540	\$ 291	\$ 11,330	\$ 6,101
7	7	EA	250	\$ 540	\$ 291	\$ 134,875	\$ 72,625
8	8	EA	4	\$ 540	\$ 291	\$ 2,158	\$ 1,162
9	10	EA	79	\$ 572	\$ 308	\$ 45,188	\$ 24,332
10	10.5	EA	33	\$ 572	\$ 308	\$ 18,876	\$ 10,164
11	11.5	EA	37	\$ 809	\$ 436	\$ 29,942	\$ 16,128
12	13.5	EA	9	\$ 809	\$ 436	\$ 7,283	\$ 3,922
13	14	EA	199	\$ 809	\$ 436	\$ 161,041	\$ 86,714
14	16	EA	4	\$ 1,079	\$ 581	\$ 4,316	\$ 2,324
15	17.5	EA	41	\$ 1,333	\$ 718	\$ 54,633	\$ 29,418
16	21	EA	92	\$ 1,365	\$ 735	\$ 125,580	\$ 67,620
17	28	EA	18	\$ 1,619	\$ 872	\$ 29,133	\$ 15,687
TOTAL PROPOSAL SCHEDULE IN FIGURE						\$ 700,297	\$ 377,083
TOTAL PROPOSAL SCHEDULE IN WORDS: <i>One million, seventy-seven thousand, three hundred eighty dollars, on no cents. \$1,077,380.00</i>							

The above fee schedule is valid for one hundred twenty (120) days.

Company Name: G2 Construction, Inc.

Signature of Proposer's Authorized Representative: *Eric H Taylor*

Full Name of Proposer's Authorized Representative: Eric H. Taylor, VP

Date: 4/29/15

Exhibit B

AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT (City of Calabasas and California Green Consultant)

This Amendment No. 1 (“Amendment”) to Professional Services Agreement (“Agreement”) is made on this 10 day of June 2015 at Calabasas, California, by and between the City of Calabasas, a municipal corporation, 100 Civic Center Way, Calabasas, California 91302 (“City”) and California Green Consultant with the office located at 1734 Calle Zocalo, Thousand Oaks, CA 91360 (“Consultant”).

This “Amendment” modifies the original “Agreement” between the “City” and the “Consultant” dated July 15, 2014 in the following fashion:

- A. “City” and “Consultant” desire to amend the “Agreement” by modifying section 3.1 – Scope of Services as set forth in “Consultant’s” [Month, Day, Year] proposal to “City” attached hereto as Exhibit [A-1] and incorporated herein by this reference.
- B. “City” and “Consultant” desire to amend the “Agreement” by modifying section 3.2 – Approved Fee Schedule as set forth in “Consultant’s” [Month, Day, Year] fee schedule to “City” attached hereto as Exhibit [B-1] and incorporated herein by this reference.
- C. “City” and “Consultant” desire to amend the “Agreement” by modifying section 3.4 – Expiration Date of the “Agreement” to read as follows:

3.3 “Expiration Date”: July 14, 2016.
- D. “City” and “Consultant” desire to amend the “Agreement” by modifying the total compensation and costs payable to “Consultant” under this “Agreement” to a not-to-exceed sum of [\$97,945.00].

Initials: (City) _____ (Consultant) _____

Page 1 of

2

v. 1.0 (Last Update: 1/29/15)

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

“City”
City of Calabasas

“Consultant”
California Green Consultant

By: _____
Lucy M. Martin, Mayor

By: _____
Hamid Tadayon, President

Date: _____

Date: _____

By: _____
[Name, Title]

Date: _____

Attest:

By: _____
Maricela Hernandez, MMC
City Clerk

Date: _____

Approved as to form:

By: _____
Scott H. Howard, City Attorney

Date: _____



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JEFF RUBIN, COMMUNITY SERVICES DIRECTOR 

SUBJECT: ADOPTION OF RESOLUTION NO. 2015-1464 RECOGNIZING JULY AS "PARKS & RECREATION MONTH" IN THE CITY OF CALABASAS

MEETING DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2015-1464 recognizing July as "Parks & Recreation Month" in the City of Calabasas.

BACKGROUND:

Since 1985, the National Recreation and Park Association (NRPA) and California Parks and Recreation Society (CPRS) have designated the month of July as Parks & Recreation Month. Recreation facilities and parks across the country annually use July to celebrate the kick-off of summer programming as well as a time to pull their communities together to volunteer, get involved in great outdoor physical activities and advocate for parks and recreation.

As we observe Parks & Recreation Month, we recognize the vital contributions of employees and volunteers throughout the country and abroad who assist public parks and recreation facilities. These dedicated people keep public parks clean and safe for visitors, organize and coach youth sports teams, provide special events, day camps, swim lessons, educational programming on health, nutrition and first aid, advocate for more open space and better trails, and fundraise for local

improvements. They ensure that public parks and recreation facilities are safe and accessible places for all citizens to enjoy.

NRPA and CPRS are organizations dedicated to advancing park, recreation and conservation efforts that enhance quality of life for all people. Through a network of more than 19,000 recreation and park professionals and citizens, NRPA and CPRS encourage the promotion of healthy lifestyles, recreation initiatives, and conservation of natural and cultural resources.

FISCAL IMPACT/SOURCE OF FUNDING:

None.

REQUESTED ACTION:

It is requested that the City Council adopt Resolution No. 2015-1464 recognizing July as "Parks & Recreation Month" in the City of Calabasas.

ATTACHMENTS: Resolution No. 2015-1464

ITEM 4 ATTACHMENT
RESOLUTION NO. 2015-1464

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, PROCLAIMING JULY AS "PARKS AND RECREATION MONTH" IN THE CITY OF CALABASAS.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALABASAS AS FOLLOWS:

WHEREAS, Parks and Recreation makes lives and communities better now and in the future; and

WHEREAS, it is established through statewide public opinion research, 98% of California households visit a local park at least once a year; two in three households visit a park once a month; 50% of households participate in an organized recreation program; and most park use is with family and friends; and

WHEREAS, residents value recreation as it provides positive alternatives for children and youth to reduce crime and mischief especially during non-school hours; it promotes the arts, it increases social connections; aids in therapy; and promotes lifelong learning; and

WHEREAS, residents value their parks for access to outdoor spaces for children and adults to play and be active; exercise and group sports; and

WHEREAS, parks provide access to the serenity and the inspiration of nature and outdoor spaces as well as preserve and protect the historic, natural and cultural resources in our community; and

WHEREAS, all of the residents of the City of Calabasas including children, youth, teens, families, adults, seniors, and visitors benefit from the wide range of parks, trails, open space, sports fields, tennis courts, facilities and programs provided by the Community Services Department; and

WHEREAS, the City of Calabasas urges all its residents to recognize that parks and recreation enriches the lives of its residents and visitors as well as adding value to the community's homes and neighborhoods; and

NOW, THEREFORE, BE IT RESOLVED, the City of Calabasas hereby proclaims that Parks Make Life Better! and the month of July 2015 as "Parks & Recreation Month" and in doing so, urges all citizens to use and enjoy our parks, trails, open space, facilities and recreational opportunities.

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 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: MAY 29, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MARICELA HERNANDEZ, MMC, CITY CLERK *Marc*

SUBJECT: RECOMMENDATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MARTIN & CHAPMAN FOR ELECTION SERVICES

MEETING

DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

Approve a Professional Services Agreement (PSA) with Martin & Chapman in an amount not to exceed \$60,000 for election services.

BACKGROUND:

Martin & Chapman has provided election services to the City since 2005. Established in 1956, Martin & Chapman Co. is a leader in the election industry, providing election supplies, services and consultation to over 400 cities, counties, organizations and associations in the states of California and Nevada. They are the primary election consultant and supplier for the 65+ cities who conduct their own elections in Los Angeles County.

DISCUSSION:

It has never been necessary to have Council approval for this PSA since it normally remains well below the amount necessary for City Council authorization. As a result of the anticipated election consolidation with the Las Virgenes Unified School District (LVUSD) and the addition of two measures - the City's Measure O and the

LVUSD's Measure E, there will be increased costs due to the need to print additional election materials.

In past elections the City of Los Angeles College Community College District consolidated their elections with the City of Calabasas, reimbursing the City for half the election costs. At the time the City Council changed the election date to November in conjunction with the school district election, it was decided that the City would not bill the LVUSD for election costs.

FISCAL IMPACT/SOURCE OF FUNDING:

The amount of \$60,000 will be included in the 2015-2016 Fiscal Year Budget.

RECOMMENDATION:

It is recommended that the City Council approve a PSA with Martin & Chapman in an amount not to exceed \$60,000.

ATTACHMENTS:

Professional Services Agreement with Martin & Chapman

PROFESSIONAL SERVICES AGREEMENT
(City of Calabasas / Martin & Chapman Co.)

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Calabasas, a California municipal corporation (“City”), and Martin & Chapman Co. a California Corporation (“Consultant”).

2. RECITALS

- 2.1 City has determined that it requires the following professional services from a consultant: Election consulting services for the November 3, 2015 General Municipal Election for 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”: Such professional services as are set forth in Consultant’s January 30, 2015 proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as are set forth in Consultant’s January 30, 2015 fee schedule to City attached hereto as Exhibit B and incorporated herein by this reference.
- 3.3 “Commencement Date”: *May 1, 2015*
- 3.4 “Expiration Date”: *February 28, 2016.*

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

Initials: (City) _____ (Contractor) SM

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 Sixty Thousand Dollars (\$60,000.00), unless specifically approved in advance and in writing by City. This amount does not include postage, which is to be paid by the City directly to the post office. The amount will be determined by Consultant.

- 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. **Scott Martin** 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.

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 ten business days of receipt of each invoice, City shall notify Consultant in writing of any disputed amounts included on the invoice. Within thirty calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the

Initials: (City) _____ (Contractor) SM

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.

7. ADDITIONAL EXPENSES

In the event additional items, either requested by the City Clerk, or required by changes in the laws, are used in this election, these items will be billed accordingly and paid for by the city. The City will be responsible for the agreed upon additional costs required by such requests. The estimated pamphlet prices are based on the current number of registered voters and on a set number of pages based on a set number of candidate's statements, and may increase or decrease accordingly. The number of vote by mail supplies and official ballots is based on the current number of registered voters and may increase or decrease accordingly. Any additional items must be first approved by the City Clerk prior to any work commencing and/or distributed.

8. 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.

9. 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.

Initials: (City) _____ (Contractor) SM

10. 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.

11. INDEMNIFICATION

- 11.1 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.
- 11.2 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 incurred by counsel of City's choice.
- 11.3 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.
- 11.4 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.
- 11.5 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.

- 11.6 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.

12. INSURANCE

- 12.1 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:

12.1.1 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.

12.1.2 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.

12.1.3 Worker's Compensation insurance as required by the laws of the State of California.

12.1.4 Professional Errors and Omissions Insurance with coverage limits of not less than One Million Dollars (\$1,000,000).

- 12.2 Consultant shall require each of its subcontractors to maintain insurance coverage

that meets all of the requirements of this Agreement.

- 12.3 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.
- 12.4 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.
- 12.5 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).
- 12.6 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.
- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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

Initials: (City) _____ (Contractor) SDM

deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.

- 12.11 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.

13. MUTUAL COOPERATION

- 13.1 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.

- 13.2 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.

14. 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.

15. 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.

16. 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 Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

Initials: (City) _____ (Contractor) SDM

If to City:

City of Calabasas
100 Civic Center Way
Calabasas, CA 91302
Attn: Maricela Hernandez, MMC
City Clerk
Telephone: (818) 224-1600
Facsimile: (818) 225-7324

If to Consultant:

Martin & Chapman, Co.
1951 Wright Circle
Anaheim, CA 92806
Attn: Scott Martin, President
Telephone: (714) 939-9866
Facsimile: (714) 939-9870

With courtesy copy to:

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

17. 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.

18. TERMINATION

18.1. 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.

18.2 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.

Initials: (City) _____ (Contractor) SM

19. GENERAL PROVISIONS

- 19.1 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.
- 19.2 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 or medical condition.
- 19.3 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).
- 19.4 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.
- 19.5 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.

- 19.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California.
- 19.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 19.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 19.9 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.

Initials: (City) _____ (Contractor) SM

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

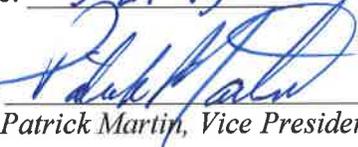
“City”
City of Calabasas

“Consultant”
Martin & Chapman, Co.

By: _____
Lucy M. Martin, Mayor

By:  _____
Scott Martin, President

Date: _____

Date: 5-27-15
By:  _____
Patrick Martin, Vice President

Attest:

Date: 5/27/15

By: _____
Maricela Hernandez, MMC
City Clerk

Date: _____

Approved as to form:

By: _____
Scott H. Howard, City Attorney

Date: _____

EXHIBIT A
SCOPE OF WORK

**EXHIBIT B
APPROVED FEE SCHEDULE**



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

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

SUBJECT: ADOPTION OF RESOLUTION NO. 2015-1463 APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR THE 2015 COUNTYWIDE COMPETITIVE GRANT PROGRAM

MEETING DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

Staff recommends that the City Council Adoption of Resolution No. 2015-1463 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District for the 2015 Countywide Competitive Grant Program.

BACKGROUND AND DISCUSSION:

On November 3, 1992 and on November 5, 1996, Los Angeles County voters enacted Los Angeles County Proposition A, Safe Neighborhood Parks, Gang Prevention, Tree-Planting, Senior and Youth Recreation, Beach and Wildlife Protection (the Propositions), which among other uses, provides funds to public agencies and nonprofit organizations in the County for the purpose of acquiring and/or development facilities and open space for public recreation. The Propositions also created the Los Angeles County Regional Park and Open Space District (the District) to administer said funds.

The available grant funding for Rivers and Streams Program is approximately \$4,262,543. The projects may consist of restoration, rehabilitating or acquisition of natural lands and the development of recreational resources along rivers and streams in Los Angeles County.

City of Calabasas is in process of designing and implementing Phase II of Las Virgenes Creek Restoration project. The purpose of this project is to continue the work of rehabilitating and restoring the riverine and riparian function of the Las Virgenes Creek corridor. With the completion and success of the first phase in 2008 that was partially funded by the Supervisor's office, the City of Calabasas has committed itself to the restoration of approximately 1.5 miles of creek habitat. The primary component of Phase II will consist of Restoration, Bank Stabilization and Fish Barrier Enhancements. The project also consists of establishing trail connection along Las Virgenes Creek with interpretive educational panels, sports amenities, bike racks, gazebo, benches and informational signage for community to use the trail in the most efficient way.

City staff has prepared the grant application in the amount of \$375,000 to cover the cost of implementing the project specifically the trail connection, trail amenities, educational panels and interpretive signage. The County of Los Angeles Regional Park and Open Space District (District) will be the agency administering the grant funding. Other sources of funding have already been secured to creek restoration and bank stabilization portions of the project.

The District is requesting the City submit a resolution, from the agency's governing body, authorizing participation in the grant program and designating an authorized representative to negotiate and execute all necessary documents, including submittal of necessary application materials, and approval of a Youth Employment Plan. (YEP).

Under the provisions of the Los Angeles County Regional Park and Open Space District policy on employment of at-risk youth, the Youth Employment Goal (YEG) of the City of Calabasas is \$307,180.00 (equal to fifty percent of the total estimated maintenance and servicing funds to be received from Propositions A of 1992 and 1996). To date, the City has met and exceeded its YEG requirement by employing at-risk youth totaling \$329,031.35 in youth labor wages paid. Therefore, there is no youth employed on the proposed project, however the updated Youth Employment Plan needs to be approved and submitted along with the grant application.

FISCAL IMPACT/SOURCE OF FUNDING:

There is no fiscal impact associated with adoption of this resolution.

REQUESTED ACTION:

That the City Council adopt Resolution No. 2015-1463 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District for the 2015 Countywide Competitive Grant Program.

ATTACHMENT:

Resolution No. 2015-1463

**ITEM 6 ATTACHMENT
RESOLUTION NO. 2015-1463**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR THE 2015 COUNTYWIDE COMPETITIVE GRANT PROGRAM FOR LAS VIRGENES CREEK RESTORATION PROJECT – PHASE II AND APPROVES THE ADOPTION OF A YOUTH EMPLOYMENT PLAN.

WHEREAS, the people of the County of Los Angeles on November 3, 1992, and on November 5, 1996 enacted Los Angeles County Proposition A, Safe Neighborhood Parks, Gang Prevention, Tree-Planting, Senior and Youth Recreation, Beach and Wildlife Protection (the Propositions), which among other uses, provides funds to public agencies and nonprofit organizations in the County for the purpose of acquiring and/or development facilities and open space for public recreation; and

WHEREAS, the Propositions also created the Los Angeles County Regional Park and Open Space District (the District) to administer said funds; and

WHEREAS, the District has set forth the necessary procedures governing application for grant funds under the Propositions, and

WHEREAS, the District's procedures require the City of Calabasas to certify, by resolution, the approval of the application before submission of said application to the District; and

WHEREAS, said application contains assurances that City of Calabasas must comply with; and

WHEREAS, City of Calabasas certifies, through this resolution, that the application is approved for submission to the District; and

WHEREAS, City of Calabasas will enter into an Agreement with the District to provide funds for acquisition and development projects.

WHEREAS, the District's procedures require the adoption of a Youth Employment Plan for development projects by the governing body of the agency.

NOW, THEREFORE, the City Council of the City of Calabasas hereby resolves:

1. Approves the filing of an application with the Los Angeles County Regional Park and Open Space District for \$375,000 of 2015 Countywide Competitive Grant Program Funding for the above project;
2. Certifies that City of Calabasas understands the assurances and certification in the application form;
3. Certifies that City of Calabasas has, or will have, sufficient funds to operate and maintain the project in perpetuity;
4. Certifies that City of Calabasas will sign and return, within 30 days, both copies of the project agreement sent by the District for authorizing signature;
5. Approves the adoption of a Youth Employment Plan for the project (see attached);
6. Appoints the Public Works Director, or designee, to conduct all negotiations, and to execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so forth, which may be necessary for the completion of the aforementioned project.

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 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: MAY 29, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: SCOTT H. HOWARD, CITY ATTORNEY
MARICELA HERNANDEZ, MMC, CITY CLERK** *More*

SUBJECT: ADOPTION OF RESOLUTION NOS. 2015-1460 AND 2015-1461 FOR THE SUBMISSION TO THE VOTERS A BINDING QUESTION RELATING TO OPEN SPACE FOR THE NOVEMBER 3, 2015, GENERAL MUNICIPAL ELECTION

MEETING DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

Adoption of resolutions for the submission to the voters a binding question relating to open space necessary for the November 3, 2015 General Municipal Election.

BACKGROUND:

Pursuant to City Council direction, staff has prepared the following resolutions for Council consideration.

Resolution No. 2015-1460 – A resolution for the submission to the voters a binding question relating to open space addresses the language of the question which will appear on the ballot as designated in the resolution. This measure would remove the sunset date of November 8, 2030.

Resolution No. 2015-1461 - Directs the City Attorney to prepare an impartial analysis regarding the Open Space question. The City Attorney recommends

provision for an impartial analysis if the question appears on the ballot as this is an important means to provide information to the electorate. However, there is a printing cost for such an analysis.

While optional, if the City Council wishes to establish priorities for arguments, it must adopt a resolution at the same time as the resolution calling the election. The City Council has the right to designate some or all of its members to author and sign primary arguments and, if it does so, the designated members will have the right to author those arguments. If it does not, the arguments will be written by bona fide associations of City voters (second priority behind designated Councilmembers) or individual voters (third priority).

Only one argument in favor and one argument against the measure will be placed in the sample ballot and neither may exceed 300 words in length. Pursuant to Election Code Section 9287, if more than one argument for or more than one argument against the measure is submitted to the City Clerk within the time prescribed, the City Clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

1. The City Council or any member or members of the City Council authorized by it;
2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure [inapplicable to a Council-generated measure];
3. Bona fide associations of citizens;
4. Individual voters who are eligible to vote on the measure.

HISTORY OF MEASURE D AND SUBSEQUENT AMENDMENT

Council member Bozajian raised the point that the original Measure D which adopted Ordinance 2005-225 could not have included language referencing a December 2008 General Plan Land Use Map. Staff has researched the point and have determined that indeed the original ordinance (2005-225) included the following language: "... designated OS-R or OS-RP by the Land Use Map of the Calabasas General Plan adopted on September 6, 1995 by Resolution Number 95-346 and as amended through July 20, 2005...." (emphasis added).

The same language appears in Section 2 as it relates to property designated PF-R.

In January 2010 by ordinance 2010-265, ordinance 2005-225 was amended by Council to reflect an updated General Plan. The original language (above) was amended to read as follows: “designated OS-R or OS-RP by the Land Use Map of the Calabasas General Plan, adopted on December 10, 2008 by Resolution Number 2008-1159...” (emphasis added).

Under the original ordinance adopted as Measure D the voter approval requirement is not applicable to reorganization, renumbering or updating elements of the General Plan in accordance with state law, providing that such actions do not reduce the property designated OS-R, OS-RP and PF-R (see CMC sec. 17.16.030 B.(2)).

Under this subsection B, the 2008 General Plan amendments were strictly a lawful update which, among other things, added newly acquired open space land to the Land Use Map. As a result, the amendment to CMC sec. 17.16.030 in 2010 replaced the original reference to the 1995 and 2005 General Plan Land Use Map, and provided updated and accurate information about which property is designated OS-R, OS-RP and PF-R.

The amendment in 2010 was lawful and explains why a measure adopted in 2005 references the 2008 Land Use Map.

In addition, Council member Maurer requested that the land use designations be spelled out in full (e.g. OS-RP as Open Space - Resource Protected). While only a technical change, such a change would need to be reflected in the ballot question as a technical change. While the definitions of the differing zones are spelled out in other areas of the Municipal Code, this may not address the concerns raised by Council. To address the issue, the City Attorney can spell out the complete zone designations in the impartial analysis, as was done in 2005.

REQUESTED ACTION:

That the City Council review the attached resolutions and, if consistent with the desires of the Council, adopt Resolution Nos. 2015-1460 and 2015-1461.

ATTACHMENTS:

- A. Resolution No. 2015-1460 and Resolution No. 2015-1461
- B. Notice of Exemption

**ITEM 7 ATTACHMENT A
RESOLUTION NO. 2015-1460**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO OPEN SPACE PRESERVATION.

WHEREAS, the City Council of the City of Calabasas, California desires to submit to the voters at a General Municipal Election a question relating to the preservation of open space in the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Calabasas, California, on Tuesday, November 3, 2015, a General Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall Ordinance No. 2015-325 be adopted to remove the expiration date of November 8, 2030 in Ordinance No. 2005-225, and thereby make permanent the requirement to protect and preserve the existing areas of open space in Calabasas unless in a future election 2/3 of the voters choose to redesignate the open space for another purpose?	YES	
	NO	

SECTION 3. That the complete text of the proposed ordinance submitted to the voters is attached as Exhibit A to this resolution.

SECTION 4. That the vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

SECTION 5. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 7. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 10. That 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 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

RESOLUTION NO. 2015-1460 EXHIBIT A

17.16.030 - Voter approval required for redesignation of open space for non-open space use.

A. Voter approval required as follows:

1. No amendment to the General Plan or any specific plan that would redesignate for non-open space use of any property in the city designated OS-R or OS-RP by the Land Use Map of the Calabasas General Plan, adopted on December 10, 2008 by Resolution Number 2008-1159 shall be effective for any purpose until that amendment has been approved by two-thirds of the voters of the city casting votes on the question. Prior to the placement of such amendment on the ballot, the city shall follow the procedures required by local, state, and federal law, including the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. f. Such an amendment may take effect only upon two-thirds approval of those casting votes on the question.
2. No amendment to the General Plan or any specific plan that would redesignate for non-open space use any property in the city designated PF-R by the Land Use Map of the Calabasas General Plan, adopted on December 10, 2008 by Resolution Number 2008-1159 shall be effective for any purpose without compliance with the applicable requirements of California law related to the protection of park lands, including Government Code Sections 25550.7, 37111, 37111.1, 38440 through 38462, 38501 through 38510 and Public Resources Code Sections 5400 et seq. If any future amendment of these sections reduce or eliminate requirements for a supermajority council vote or for a vote of the city's electorate, then such supermajority council vote or vote of the electorate shall continue to be required for the redesignation for non-open space use of property in the city designated PF-R.

B. Subsection (A) of this section shall not apply to:

1. Amendments determined by the council, on the advice of the city attorney, to be necessary to avoid an unconstitutional taking of private property or otherwise required by law;
2. Reorganization, renumbering or updating elements of the General Plan in accordance with state law, provided that such actions do not reduce the property designated OS-R, OS-RP, and PF-R; or
3. Amendments which facilitate any of the following land uses: uses permitted in the PF land use district; uses in support of open space uses such as bus shelters, parking facilities, and comfort stations; and public utility facilities (e.g., antennae and pipelines).

C. Any land designated OS-R, OS-RP or PF-R after July 20, 2005 shall become subject to the requirements of this section upon such designation.

~~D. This section shall be of no further force and effect on and after November 8, 2030, unless it is sooner readopted, repealed or amended by the voters of the city.~~

RESOLUTION NO. 2015-1461

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015.

WHEREAS, a General Municipal Election is to be held in the City of Calabasas, California, on November 3, 2015, at which there will be submitted to the voters the following question:

Shall Ordinance No. 2015-325 be adopted to remove the expiration date of November 8, 2030 in Ordinance No. 2005-225, and thereby make permanent the requirement to protect and preserve the existing areas of open space in Calabasas unless in a future election 2/3 of the voters choose to redesignate the open space for another purpose?

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes Councilmember Bozajian in favor to file a written argument regarding the City's Measure O as specified above, accompanied by the printed name and signature of the author submitting it, in accordance with, Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City's Measure O may be submitted to the City Clerk. The arguments shall be accompanied by the Form of Statement To Be Filed By Author of the Argument (see Form F-A-1-Exhibit A).

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

a. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot,

nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance No. 2015-325 or Measure O. If you desire a copy of the ordinance or measure, please call the Election Official's office at 818-224-1661 and a copy will be mailed at no cost to you."

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That 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 10th date of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

**EXHIBIT A
ARGUMENTS**

**FORM OF STATEMENT TO BE FILED BY
AUTHORS OF ARGUMENTS**

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each proponent, and by each author, if different, of the argument:

The undersigned proponent (s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot proposition Ordinance No. 2015-325 at the General Municipal Election for the City of Calabasas to be held on November 3, 2015, hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____



CITY of CALABASAS

ITEM 7 ATTACHMENT B

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

www.cityofcalabasas.com

Notice of Exemption

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

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

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH SECTION 15062 OF THE CALIFORNIA CODE OF REGULATIONS

Project Title/File No.: Ballot Initiative Regarding Preservation of Designated Open Space Lands
Project Location: Citywide, in the City of Calabasas, County of Los Angeles.
Project Description: A proposed ordinance amendment (by ballot measure) which would eliminate a year 2030 sunset date for an existing local law requiring two-thirds majority approval by the voters of any re-designation of open space lands to any other land use(s).

Name of approving public agency: City of Calabasas City Council
Project Sponsor: City of Calabasas, 100 Civic Center Way, Calabasas, CA 91302

- Exempt Status:
- Ministerial (Sec. 21080(b)(1); 15268)
 - Declared Emergency (Sec. 21080(b)(3); 15269(a))
 - Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 - Categorical Exemption – Sections 15307 and 15308
 - Statutory Exemption - Section 15061(b)(3).

Reason(s) why Project is exempt: Section 15061(b)(3) of the CEQA Guidelines exempts projects “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” This project will simply place a measure on the ballot, for consideration by the voting public, which would extend the timeframe of an existing open space protection requirement.

Class 7 (CEQA Guidelines Section 15307) consists of “actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.” The proposed open space protection measure will assure the maintenance of open spaces in the city, which are a significant local and regional natural resource.

Class 8 (CEQA Guidelines Section 15308) consists of “actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment, where the regulatory process involves procedures for protection of the environment.” The proposed open space protection measure will assure the continued maintenance and protection of open spaces throughout the city.

City of Calabasas Planning Division
Notice of Exemption

Lead Agency/Contact Person:

Thomas M. Bartlett, AICP, City Planner, City of Calabasas Planning Division, 100 Civic Center Way, Calabasas, CA 91302.

Date:

May 12, 2015

Signature:



Thomas M. Bartlett

Title: City Planner

Phone: 818-224-1703

Date received for filing and posting: _____



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ANTHONY M. COROALLES, CITY MANAGER
MARICELA HERNANDEZ, MMC, CITY CLERK

SUBJECT: COUNCIL POSITION ON SENATE BILL 32 (PAVELY) REGARDING CLIMATE POLLUTION REDUCTION BEYOND 2020: HEALTHIER COMMUNITIES AND A STRONGER ECONOMY

MEETING

DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

At Mayor Martin's request, Senate Bill 32 (Pavley) regarding Climate Pollution Reduction Beyond 2020: Healthier Communities and a Stronger Economy was presented and continued from the May 27th Council meeting.

RECOMMENDATION:

That the Council review, discuss and direct staff as to their position on Senate Bill 32 (Pavley) regarding Climate Pollution Reduction Beyond 2020: Healthier Communities and a Stronger Economy.

ATTACHMENT:

- A. Senate Bill 32 (Pavley) Status
- B. Senate Bill 32 (Pavley) Fact Sheet
- C. Senate Bill 32 (Pavley) Background

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

SB 32

THIRD READING

Bill No: SB 32
Author: Pavley (D), et al.
Amended: 6/1/15
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 5-2, 4/29/15
AYES: Wieckowski, Hill, Jackson, Leno, Pavley
NOES: Gaines, Bates

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/28/15
AYES: Lara, Beall, Hill, Leyva, Mendoza
NOES: Bates, Nielsen

SUBJECT: California Global Warming Solutions Act of 2006: emissions limit

SOURCE: Author

DIGEST: This bill requires the California Air Resources Board (ARB) to approve statewide greenhouse gas (GHG) emissions limits of 40% below the 1990 level of GHG emissions, to be achieved by 2030, and 80% below the 1990 level, to be achieved by 2050.

Senate Floor Amendments of 6/1/15 require ARB to establish a statewide GHG emissions limit of 40% below the 1990 level of GHG emissions, to be achieved by 2030 based on the best available scientific, technological, and economic assessments, and which includes short-lived climate pollutants.

ANALYSIS:

Existing law, under the California Global Warming Solutions Act of 2006 (Health and Safety Code §38500 et seq.):

- 1) Requires the ARB to determine the 1990 statewide GHG emissions level and approve a statewide GHG emissions limit that is equivalent to that level, to be

achieved by 2020, and to adopt GHG emissions reductions measures by regulation.

- 2) Authorizes the ARB to adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit GHGs, applicable from January 1, 2012, to December 31, 2020, inclusive.
- 3) Specifies that the statewide GHG emissions limit remains in effect unless otherwise amended or repealed.
- 4) Expresses Legislative intent that the statewide emissions limit continue in existence and be used to maintain and continue GHG emissions reductions beyond 2020.
- 5) Requires the ARB to make recommendations to the Governor and the Legislature on how to continue GHG emissions reductions beyond 2020.

This bill:

- 1) Requires the ARB to approve in a public hearing a statewide GHG emissions limit of 40% below the 1990 level of GHG emissions, to be achieved by 2030, and a statewide GHG emissions limit of 80% below the 1990 level of GHG emissions, to be achieved by 2050, and requires both limits be based on the best available scientific, technological, and economic assessments, and include short-lived climate pollutants, as defined.
- 2) Authorizes the ARB to approve a 2040 interim GHG emission target, consistent with the 2030 and 2050 statewide GHG emissions limits.
- 3) Specifies that the statewide GHG emissions *limits* remain in effect unless otherwise amended or repealed.
- 4) Specifies legislative intent that the statewide GHG *limits* continue in existence and be used to maintain and continue GHG emissions reductions.
- 5) Requires the ARB to make recommendations to the Governor and the Legislature on how to continue GHG emissions reductions *beyond 2050*.

- 6) Specifies that it is the intent of the Legislature for the Legislature and appropriate agencies, in achieving the 2050 GHG emissions limit, to adopt policies that ensure those long-term emission reductions advance the following:
 - a) Job growth and local economic benefits in the state.
 - b) Public health benefits for Californians, particularly in disadvantaged communities.
 - c) Innovation in technology and energy and resource management practices.
 - d) Regional and international collaboration to adopt similar GHG emission reduction policies.

Background

Climate change. The 5th assessment report from the Intergovernmental Panel on Climate Change (IPCC) notes that atmospheric concentrations of global warming pollutants have risen to levels unseen in the past 800,000 years. Carbon dioxide concentrations have increased by 40% since pre-industrial times. There is broad scientific consensus that these global GHG emission increases are leading to higher air and water temperatures as well as rising sea levels. Sea level is expected to rise 17 to 66 inches by 2100, and the frequency of extreme events such as heat waves, wildfires, floods, and droughts is expected to increase.

The Global Warming Solutions Act of 2006. In 2006, the Global Warming Solutions Act of 2006, AB 32 (Núñez, Pavley, Chapter 488, Statutes of 2006), requires the ARB to determine the 1990 statewide GHG emissions level and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020.

AB 32 requires the ARB, among other things, to:

- Inventory GHG emissions in California.
- Implement regulations that achieve the maximum technologically feasible and cost-effective reduction of GHG emissions and impose fees for administrative implementation costs.

- Identify and adopt regulations for discrete early action measures.
- Prepare and approve a scoping plan to achieve the maximum technologically feasible and cost-effective reduction of GHG emissions by 2020, to be updated every five years.

The statute also specifies that the ARB may include market-based compliance mechanisms in the AB 32 regulations, after considering the potential for direct, indirect, and cumulative emission impacts from these mechanisms.

AB 32 Scoping Plan. Pursuant to AB 32, the ARB approved the first Scoping Plan in 2008. The Scoping Plan outlined a suite of measures aimed at achieving 1990-level emissions, a reduction of 80 million metric tons of CO₂ (MMT CO₂e). Average emission data in the Scoping Plan reveal that transportation accounts for almost 40% of statewide GHG emissions, and electricity and commercial and residential energy sector account for over 30% of statewide GHG emissions. The industrial sector, including refineries, oil and gas production, cement plants, and food processors, was shown to contribute 20% of California's total GHG emissions.

The 2008 Scoping Plan recommended that reducing GHG emissions from the wide variety of sources that make up the state's emissions profile could best be accomplished through a cap-and-trade program along with a mix of other strategies including a low carbon fuel standard (LCFS), light-duty vehicle GHG standards, expanding and strengthening existing energy efficiency programs, and building and appliance standards, a 33% Renewable Portfolio Standard (RPS), and regional transportation-related GHG targets. Pursuant to authority under AB 32, the ARB adopted a Low Carbon Fuel Standard in 2009, and a cap-and-trade program, approved on December 13, 2011.

Scoping Plan update. ARB approved an update to the Scoping Plan on May 22, 2014. The update describes policies, actions, and strategies in the energy, transportation, fuels, agriculture, waste, and natural lands sectors as a means to continue emissions reductions in each of these sectors. The update also asserts that California is on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32.

Short-lived climate pollutants. CO₂ remains in the atmosphere for centuries, which makes it the most critical GHG to reduce in order to limit long-term climate change. However, climate pollutants including methane, hydrofluorocarbons

(HFCs), and soot (black carbon), are relatively short-lived (anywhere from a few weeks to 15 years), but have much higher global warming potentials than CO₂. New research suggests that aggressively reducing these short-lived climate pollutants in the short-term, compared to only cutting CO₂ emissions, can do more to slow sea level rise and other climate change impacts in the near-term. SB 605 (Lara, Chapter 523, Statutes of 2014) requires the ARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants by January 1, 2016.

Executive Orders. In 2005, Governor Schwarzenegger issued Executive Order S-3-05 and called for GHG emissions reductions to 1990 levels by 2020 and 80% below 1990 levels by 2050.

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which established an interim statewide GHG emission reduction target to reduce GHG emissions to 40% below 1990 levels by 2030, “in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.” The EO also directed all state agencies with jurisdiction over sources of GHG emissions to implement measures, pursuant to statutory authority, to achieve reductions of GHG emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets.

Comments

Purpose of Bill. According to the author, “Following the issuance of Executive Order S-03-05, which set a long-term greenhouse gas emissions reduction target for California of 80 percent below 1990 levels by 2050, the Legislature enacted AB 32 (Núñez-Pavley, 2006). The express intent of AB 32 was for the California Air Resources Board (ARB) to continue reducing greenhouse gas emissions beyond the 2020 limit established therein. The Legislature also directed the ARB to develop regional greenhouse gas emissions reduction targets for automobiles and light trucks for 2035 in SB 375 (Steinberg, 2008).

“In the Scoping Plan Update issued in May 2014, the ARB identified a number of cost-effective, technologically feasible pathways to emissions reductions required by 2030, 2040 and 2050 to adequately protect the health, safety and welfare of Californians from the mounting costs of unabated climate change. While the courts have affirmed this ongoing authority to reduce greenhouse gas emissions beyond 2020 (See Cleveland National Forest Foundation v. San Diego Association

of Governments (4th Dist., Div. 1, No. D063288, Nov. 24, 2014)), the Legislature has not yet given direction to shape future reduction strategies.

“SB 32 would provide regulatory certainty by establishing the greenhouse gas reduction limit of 80 percent below 1990 levels by 2050 in law. This level of climate pollution has been identified by the international scientific community as necessary to stave off the worst effects of climate change on California's health and safety. The target is guided by science, but this bill provides the flexibility inherent in the existing AB 32 framework to adjust pathways to the goal along the way based on changing technological and economic conditions, and ongoing evaluations of policy efficacy. The legislation also identifies goals to ensure that greenhouse gas reductions advance job creation; public health improvement, especially in disadvantaged communities; innovation; and policy collaboration beyond our borders.

“By simply amending the existing AB 32 framework without any major mechanical changes to the regulatory implementation process, SB 32 ensures that the policy tools currently being utilized to achieve the existing 2020 greenhouse gas target remain available for the achievement of targets beyond 2020 – including, but not limited to, energy efficiency requirements for buildings and appliances, tailpipe emissions standards for mobile sources, power sector renewable portfolio and emissions performance standards, sustainable land use policies, fuel-related emissions standards, and market based mechanisms – to maximize the effectiveness of our climate policies overall.”

Related/Prior Legislation

AB 32 (Núñez, Pavley, Chapter 418, Statutes of 2006) required the ARB to establish a GHG emissions limit equal to 1990 level of emissions, to be achieved by 2020.

SB 1125 (Pavley, 2014) would have required the ARB, in consultation with other entities, to develop reduction targets for GHG emissions for 2030 in an open and public process by January 1, 2016. SB 1125 was held on the Senate Appropriations Committee suspense file.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Minor and absorbable costs to the Cost of Implementation Account (special) to the Air Resources Board to set the 2050 target.
- Unknown annual costs, at least in the hundreds of millions of dollars, from various special funds for additional programs to achieve the required emission reductions.

SUPPORT: (Verified 6/1/15)

Barbara Boxer, US Senator, California

350 Bay Area

350 Sacramento

Access to Independence

Adam Schiff, US Representative, 28th District

American Academy of Pediatrics, California

American Cancer Society Cancer Action Network, California

American College of Physicians, California Service Chapter

American Farmland Trust

American Heart Association, California

American Lung Association, California

Annie's Inc.

Asthma Coalition of Los Angeles County

Audubon

Autodesk

Azul

Bagito

Bay Area Air Quality Management District

Baz Allergy, Asthma and Sinus Center

Big Sur Land Trust

Biodico

Bioenergy Association of California

Biosynthetic Technologies

Bonnie J. Adario Lung Cancer Foundation

Breathe CA

Building Doctors

Business for Innovative Climate and Energy Policy

C&C Development Company

California Bicycle Coalition

California Biodiesel Alliance

California Black Health Network

California Climate & Agriculture Network

California Conference of Directors of Environmental Health
California Energy Efficiency Industry Council
California Energy Storage Association
California Green Business Network
California Interfaith Power & Light
California League of Conservation Voters
California Nurses Association
California Pan Ethnic Health Network
California Public Health Association, North California Service Chapter
California Ski Industry Association
California Solar Energy Industry Association
California Thoracic Society
California Transit Association
California Wind Energy Association
Californians Against Waste
CALSTART
CalTrout
Carbon Cycle Institute
Catholic Charities, Diocese of Stockton
Center for Biological Diversity
Center for Climate Change and Health
Center for Food Safety
Central California Asthma Collaborative
CERES
Circulate San Diego
City and County of San Francisco
City Heights Community Development Corporation
City of Berkeley
City of Oxnard
City of Santa Monica
City of Thousand Oaks
City of West Hollywood
Clean Power Finance
Clean Water Action
Cleveland National Forest Foundation
Climate Parents
Climate Ready Solutions LLC
Climate Resolve
Coalition for Renewable Natural Gas
Coastal Environmental Rights Foundation

Communications Workers of America – District 9
Communitas Financial Planning
County of Ventura
Department of Public Health, Los Angeles County
Dignity Health
Distance Learning Consulting
Doctors for Climate Health
Eagle Creek
eBay, Inc
Ecogate, Inc
Endangered Habitats League
Environment California
Environmental Action Committee of West Marin
Environmental Action Defense Fund
Environmental Entrepreneurs
EtaGen
Friends Committee on Legislation of California
Friends of the River
Gap, Inc.
Global Green USA
Greenbelt Alliance
Health Care Without Harm
Health Officers Association of California
House Kombucha
Housing California
Humane Society
Illece Buckley, Mayor of City of Agoura Hills
Klean Kanteen
Land Trust of Santa Cruz County
Large Scale Solar
League of Women Voters of California
League of Women Voters of Orange Coast
Levi Strauss & Co
Los Angeles Business Council
Lucy Martin, Mayor of City of Calabasas
MAAC
Medical Advocates for Healthy Air
Mercury Press International
Moms Clean Air Force
Mountains Recreation and Conservation Authority

National Parks Conservation Association
Natural Resources Defense Council
NextGen Climate
Patagonia Works
Peninsula Open Space Trust
Physicians for Social Responsibility, Los Angeles
Physicians for Social Responsibility, San Francisco Bay Area Chapter
Power2Sustain
Progressive Asset Management, Inc.
Public Health Institute
Puma Springs Vineyards
Purple Wine & Spirits
Quest
RC Cubed, Inc
Redland's Area Democratic Club
Regional Asthma Management and Prevention
ReLeaf
San Diego Housing Federation
San Diego-Imperial Counties Labor Council
San Francisco Asthma Task Force
Santa Clara County Medical Society
Santa Clara Valley Open Space Authority
Santa Clarita Organization for Planning and the Environment
Sequoia Riverlands Trust
Sidel Systems USA
Sierra Business Council
Sierra Club
Silicon Valley Leadership Group
SmartWool
Solar Energy Industry Association
Sonoma Agricultural Preservation and Open Space District
Sonoma County Asthma Coalition
South Coast Air Quality Management District
Southwest Wetlands Interpretive Association
Sustainable North Bay
Symantec Corporation
Tamalpais NatureWorks
The Hampstead Companies
The Liberty Hill Foundation
The Nature Conservancy

The North Face
TransForm
Trust for Public Lands
Union of Concerned Scientists
US Green Buildings Council
Ventura Climate Care Options Organized Locally
Wakeland Housing and Development Corporation
Waterplanet Alliance
Wholly Hemp
48 Individuals

OPPOSITION: (Verified 6/1/15)

African American Farmers of California
Agricultural Council of California
American Forest and Paper Association
American Wood Council
Brea Chamber of Commerce
Building Owners and Managers Association
California Agricultural Aircraft Association
California Association of Nurseries and Garden Centers
California Business Properties Association
California Cattlemen's Association
California Chamber of Commerce
California Construction Trucking Association
California Cotton Ginners Association
California Cotton Growers Association
California Dairies, Inc.
California Farm Bureau Federation
California Fresh Fruit Association
California Independent Oil Marketers Association
California Independent Petroleum Association
California League of Food Processors
California Manufacturers and Technology Association
California Taxpayers Association
California Trucking Association
Camarillo Chamber of Commerce
Chamber of Commerce Alliance of Ventura and Santa Barbara
Fresno Chamber of Commerce
Fullerton Chamber of Commerce
Greater Bakersfield Chamber of Commerce

International Council of Shopping Centers
Irvine Chamber of Commerce
Los Angeles County Solid Waste Management Committee/Integrated Waste
Management Task Force
NAIOP-Commercial Real Estate Development Association
National Federation of Independent Business
National Hmong American Farmers
Nisei Farmers League
Oxnard Chamber of Commerce
Rancho Cordova Chamber of Commerce
Redondo Beach Chamber of Commerce and Visitor Bureau
San Jose Silicon Valley Chamber of Commerce
Santa Maria Valley Chamber of Commerce and Visitor Bureau
Simi Valley Chamber of Commerce
South Bay Association of Chambers of Commerce
Southwest California Legislative Council
Torrance Chamber of Commerce
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association
Western States Petroleum Association

ARGUMENTS IN SUPPORT: Supporters state that SB 32 provides the regulatory certainty that investors and the business community need in order to make long-term climate goals attainable. They also note that SB 32 would help protect public health of Californians, affirms the state's commitment to provide resources and solutions to communities that will be most impacted by climate change, and advances California's climate leadership on the world stage. Supporters further state that SB 32 is critical to continue the progress that California has made in reducing GHG emissions, attracting investments in clean energy and energy efficiency, and diversifying California's fuels.

ARGUMENTS IN OPPOSITION: Opponents state that SB 32 will increase the cost to California's businesses, make them less competitive, and discourage economic growth by mandating a reduction in the GHG emissions to 80% below 1990 levels by 2050 with no consideration of the economic side effects. Opponents note that before any additional GHG emission reduction targets are set, there must be a credible and independent marginal cost analysis on the strategies adopted thus far in order to educate and guide GHG reductions post 2020, and understand what has and what has not worked.

Prepared by: Rebecca Newhouse / E.Q. / (916) 651-4108
6/2/15 11:40:24

**** **END** ****



California
LEGISLATIVE INFORMATION

SB-32 California Global Warming Solutions Act of 2006: emissions limit. (2015-2016)

Date	Result	Location	Ayes	Noes	NVR	Motion
06/03/15	(PASS)	Senate Floor	24	15	1	Senate 3rd Reading SB32 Pavley
		Ayes: Allen, Beall, Block, De León, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Pan, Pavley, Wleckowski, Wolk Noes: Anderson, Bates, Berryhill, Cannella, Fuller, Gaines, Galgiani, Huff, Moorlach, Morrell, Nguyen, Roth, Runner, Stone, Vidak No Votes Recorded: Nielsen				
05/28/15	(PASS)	Sen Appropriations	5	2	0	Do pass
		Ayes: Beall, Hill, Lara, Leyva, Mendoza Noes: Bates, Nielsen No Votes Recorded:				
05/18/15	(PASS)	Sen Appropriations	7	0	0	Placed on suspense file
		Ayes: Bates, Beall, Hill, Lara, Leyva, Mendoza, Nielsen Noes: No Votes Recorded:				
04/29/15	(PASS)	Sen Environmental Quality	5	2	0	Do pass as amended, but first amend, and re-refer to the Committee on [Appropriations]
		Ayes: Hill, Jackson, Leno, Pavley, Wleckowski Noes: Bates, Gaines No Votes Recorded:				



SB-32 California Global Warming Solutions Act of 2006: emissions limit. (2015-2016)

Current Version: 06/01/15 - Amended Senate

Compared to Version: 06/01/15 - Amended Senate ▼

Compare Versions ⓘ

SECTION 1. Section 38505 of the Health and Safety Code is amended to read:

38505. For purposes of this division, the following terms have the following meanings:

- (a) "Allowance" means an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent.
- (b) "Alternative compliance mechanism" means an action undertaken by a greenhouse gas emission source that achieves the equivalent reduction of greenhouse gas emissions over the same time period as a direct emission reduction, and that is approved by the state board. "Alternative compliance mechanism" includes, but is not limited to, a flexible compliance schedule, alternative control technology, a process change, or a product substitution.
- (c) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas, based on the best available science, including from the Intergovernmental Panel on Climate Change.
- (d) "Cost-effective" or "cost-effectiveness" means the cost per unit of reduced emissions of greenhouse gases adjusted for its global warming potential.
- (e) "Direct emission reduction" means a greenhouse gas emission reduction action made by a greenhouse gas emission source at that source.
- (f) "Emissions reduction measure" means programs, measures, standards, and alternative compliance mechanisms authorized pursuant to this division, applicable to sources or categories of sources, that are designed to reduce emissions of greenhouse gases.
- (g) "Greenhouse gas" or "greenhouse gases" includes all of the following gases:
- (1) Carbon dioxide.
 - (2) Methane.
 - (3) Nitrous oxide.
 - (4) Hydrofluorocarbons.
 - (5) Perfluorocarbons.
 - (6) Sulfur hexafluoride.
 - (7) Nitrogen trifluoride.
- (h) "Greenhouse gas emissions limit" means an authorization, during a specified year, to emit up to a level of greenhouse gases specified by the state board, expressed in tons of carbon dioxide equivalents.
- (i) "Greenhouse gas emission source" or "source" means any source, or category of sources, of greenhouse gas emissions whose emissions are at a level of significance, as determined by the state board, that its participation in the program established under this division will enable the state board to effectively reduce greenhouse gas emissions and monitor compliance with the statewide greenhouse gas emissions limit.
- (j) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by an increase in emissions of greenhouse gases outside the state.

(k) "Market-based compliance mechanism" means either of the following:

(1) A system of market-based declining annual aggregate emissions limitations for sources or categories of sources that emit greenhouse gases.

(2) Greenhouse gas emissions exchanges, banking, credits, and other transactions, governed by rules and protocols established by the state board, that result in the same greenhouse gas emission reduction, over the same time period, as direct compliance with a greenhouse gas emission limit or emissions reduction measure adopted by the state board pursuant to this division.

(l) "State board" means the State Air Resources Board.

(m) "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse gases in the state, including all emissions of greenhouse gases from the generation of electricity delivered to and consumed in California, accounting for transmission and distribution line losses, whether the electricity is generated in state or imported. Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

(n) "Statewide greenhouse gas emissions limit" or "statewide emissions limit" means the maximum allowable level of statewide greenhouse gas emissions, as determined by the state board pursuant to Part 3 (commencing with Section 38550).

SEC. 2. Section 38550 of the Health and Safety Code is amended to read:

38550. (a) By January 1, 2008, the state board shall, after one or more public workshops, with public notice, and an opportunity for all interested parties to comment, determine what the statewide greenhouse gas emissions level was in 1990, and approve in a public hearing, a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. In order to ensure the most accurate determination feasible, the state board shall evaluate the best available scientific, technological, and economic information on greenhouse gas emissions to determine the 1990 level of greenhouse gas emissions.

(b) (1) (A) Notwithstanding subdivision (a), the state board shall approve in a public hearing, based on the best available scientific, technological, and economic assessments, all of the following:

(i) A statewide greenhouse gas emissions limit that is equivalent to 40 percent below the 1990 level, as determined pursuant to subdivision (a) or Section 39730, to be achieved by 2030.

(ii) A statewide greenhouse gas emissions limit that is equivalent to 80 percent below the 1990 level, as determined pursuant to subdivision (a) or Section 39730, to be achieved by 2050.

(B) For the purposes of this paragraph, a greenhouse gas emissions limit shall include short-lived climate pollutants, as defined in Chapter 4.2 (commencing with Section 39730) of Part 2 of Division 26.

(2) The state board also may approve an interim greenhouse gas emissions level target to be achieved by 2040 consistent with paragraph (1).

SEC. 3. Section 38551 of the Health and Safety Code is amended to read:

38551. (a) Each of the statewide greenhouse gas emissions limits shall remain in effect unless otherwise amended or repealed.

(b) It is the intent of the Legislature that the statewide greenhouse gas emissions limits established pursuant to Section 38550 continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases.

(c) The state board shall make recommendations to the Governor and the Legislature on how to continue reductions of greenhouse gas emissions beyond 2050.

(d) In implementing subdivision (b) of Section 38550, it is the intent of the Legislature for the Legislature and appropriate agencies to adopt complementary policies that ensure the long-term emissions reductions adopted pursuant to subdivision (b) of Section 38550 advance all of the following:

(1) Job growth and local economic benefits in California.

(2) Public health benefits for California residents, particularly in disadvantaged communities.

(3) Innovation in technology and energy, water, and resource management practices.

(4) Regional and international collaboration to adopt similar greenhouse gas emissions reduction policies.

SEC. 4. Section 38561 of the Health and Safety Code is amended to read:

38561. (a) (1) On or before January 1, 2009, the state board shall prepare and approve a scoping plan, as that term is understood by the state board, for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from sources or categories of sources of greenhouse gases under this division.

(2) The state board shall consult with all state agencies with jurisdiction over sources of greenhouse gases, including the Public Utilities Commission and the State Energy Resources Conservation and Development Commission, on all elements of its plan that pertain to energy-related matters including, but not limited to, electrical generation, load based-standards or requirements, the provision of reliable and affordable electrical service, petroleum refining, and statewide fuel supplies to ensure the greenhouse gas emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner.

(b) The plan shall identify and make recommendations on direct emissions reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives for sources and categories of sources that the state board finds are necessary or desirable to facilitate the achievement of the maximum feasible and cost-effective reductions of greenhouse gas emissions under this division.

(c) In making the determinations required by subdivision (b), the state board shall consider all relevant information pertaining to greenhouse gas emissions reduction programs in other states, localities, and nations, including the northeastern states of the United States, Canada, and the European Union.

(d) The state board shall evaluate the total potential costs and total potential economic and noneconomic benefits of the plan for reducing greenhouse gases to California's economy, environment, and public health, using the best available economic models, emission estimation techniques, and other scientific methods.

(e) In developing its plan, the state board shall take into account the relative contribution of each source or source category to statewide greenhouse gas emissions, and the potential for adverse effects on small businesses, and shall recommend a de minimis threshold of greenhouse gas emissions below which emissions reduction requirements will not apply.

(f) In developing its plan, the state board shall identify opportunities for emissions reduction measures from all verifiable and enforceable voluntary actions, including, but not limited to, carbon sequestration projects and best management practices.

(g) The state board shall conduct a series of public workshops to give interested parties an opportunity to comment on the plan. The state board shall conduct a portion of these workshops in regions of the state that have the most significant exposure to air pollutants, including, but not limited to, communities with minority populations, communities with low-income populations, or both.

(h) The state board shall update its plan for achieving the maximum technologically feasible and cost-effective reductions of greenhouse gas emissions at least once every five years.

SB 32: CLIMATE POLLUTION REDUCTION BEYOND 2020 HEALTHIER COMMUNITIES AND A STRONGER ECONOMY

AUTHOR: SENATOR FRAN PAVLEY

**(CO-AUTHORS: SENATORS ALLEN, BEALL, BLOCK, DE LEÓN, HANCOCK, HILL, JACKSON,
LENO, LIU, MCGUIRE, MITCHELL, MONNING, WIECKOWSKI AND WOLK
ASSEMBLY MEMBERS BLOOM, CRISTINA GARCIA, RENDON, AND MARK STONE)**

CONTINUED CLIMATE PROGRESS

California's landmark climate law, AB 32 (Núñez-Pavley, 2006) requires a reduction in statewide greenhouse gas pollution to 1990 levels by 2020. Since 2006, the state has reduced nearly 100 million tons of greenhouse gases, equal to the pollution from burning 11 billion gallons of gasoline. California has reduced about half the pollution required to meet the 2020 goal.

In the process of reducing pollution, California has attracted \$27 billion in private investment in clean energy businesses, which now employ hundreds of thousands of people. The state is on track to cut pollution-related health costs by \$8.3 billion in the next decade. California is also ensuring that energy remains affordable. The average residential electrical bill has dropped \$44 since 2006 when adjusted for inflation, and the average Californian spends \$305 less overall on energy each year than the national average.

On April 29th, Governor Brown continued California's climate leadership by setting a midterm target, through executive order, of reducing climate pollution to 40 percent below 1990 levels by 2030.

BUSINESSES NEED CERTAINTY

The California Air Resources Board (ARB) is authorized under AB 32 to "maintain and continue" greenhouse gas reductions beyond 2020 and recommend implementation strategies to the Legislature. In the Scoping Plan Update issued in May 2014, the ARB identified a number of cost-effective, technologically feasible pathways to emissions reductions required by 2030, 2040 and 2050 to adequately

protect the health, safety and welfare of Californians from the mounting costs of unabated climate change. However, the Legislature has not yet given direction to shape future reduction strategies.

TARGET TO MEET THAT NEED

Setting clear, achievable climate pollution reduction targets in law and identifying priorities to guide implementation will provide critical accountability, as well as certainty to businesses investing for the long term in California. The state also has an opportunity to build on its first mover advantage as a technology and policy innovation leader as the President, international trading partners such as China and Mexico, and neighboring states, prepare to chart their own pathways to climate progress beyond 2020.

SB 32 sets an enforceable greenhouse gas reduction target of 80 percent below 1990 levels by 2050, the level identified by the international scientific community as necessary to stave off the worst effects of climate change. The measure also incorporates the Governor's midterm target, to ensure that the state achieves our 2050 goals through the most cost-effective pathway available.

These targets are guided by science, but this bill provides flexibility for the Legislature and responsible agencies to adjust the goal along the way based on changing technological and economic conditions. The legislation also identifies goals to ensure that greenhouse gas reductions advance job creation; public health improvement, especially in disadvantaged

communities; innovation; and policy collaboration beyond our borders.

To achieve its climate goals, California will need to ensure that greenhouse gas targets are integrated with existing complementary policies such as energy efficiency requirements for buildings, appliances and cars, clean power standards, and sustainable land use policies, to maximize the effectiveness of pollution reduction overall.

SUPPORT

Public Health and Medical Groups

- American Academy of Pediatrics, California
- American Cancer Society Cancer Action Network, California
- American College of Physicians, California Service Chapter
- American Heart Association, California
- American Lung Association, California
- Asthma Coalition of Los Angeles County
- Bay Area AQMD
- Baz Allergy, Asthma and Sinus Center
- Breathe CA
- Bonnie J. Adario Lung Cancer Foundation
- California Black Health Network
- California Conference of Directors of Environmental Health
- California Nurses Association
- California Pan Ethnic Health Network
- California Public Health Association, North California Service Chapter
- California Thoracic Society
- Center for Climate Change and Health
- Central California Asthma Collaborative
- Center for Food Safety
- Climate Parents
- Department of Public Health, Los Angeles County
- Dignity Health
- Doctors for Climate Health
- Health Care Without Harm
- Health Officers Association of California (HOAC)
- Medical Advocates for Healthy Air
- Moms Clean Air Force

- Physicians for Social Responsibility, Los Angeles
- Physicians for Social Responsibility, San Francisco Bay Area Chapter
- Public Health Institute
- Regional Asthma Management and Prevention (RAMP)
- San Francisco Asthma Task Force
- Santa Clara County Medical Society
- Sonoma County Asthma Coalition
- South Coast AQMD

Business Groups

- Annie's Inc.
- Autodesk
- Bagito
- Biosynthetic Technologies
- Blue Sky Biochar
- Business for Innovative Climate and Energy Policy (BICEP)
- Building Doctors
- California Green Business Network
- California Ski Industry Association
- CERES
- Clean Power Finance
- Climate Ready Solutions LLC
- Communitas Financial Planning
- Distance Learning Consulting
- Eagle Creek
- eBay, Inc
- Ecogate, Inc
- Environmental Entrepreneurs (E2)
- Gap, Inc.
- House Kombucha
- Klean Kanteen
- Levi Strauss & Co
- Los Angeles Business Council
- Mercury Press International
- Morgener Construction
- The North Face
- Patagonia Works
- Power2Sustain
- Progressive Asset Management, Inc.
- Puma Springs Vineyard
- Purple Wine & Spirits
- Quest
- RC Cubed, Inc

- Sidel Systems USA
- Sierra Business Council (SBC)
- Silicon Valley Leadership Group
- SmartWool
- Sustainable North Bay
- Symantec Corporation
- Tamalpais NatureWorks
- Waterplanet Alliance
- Wholly Hemp

Clean Energy, Labor, and Utility Groups

- Biodico
- Bioenergy Association of California
- California Biodiesel Alliance
- California Energy Efficiency Industry Council
- California Energy Storage Association (CESA)
- California Solar Energy Industry Association (CalSEIA)
- California Wind Energy Association
- CalSTART
- Cleantech San Diego
- Communications Workers of America – District 9 (AFL-CIO)
- Coalition for Renewable Natural Gas
- EtaGen
- Large Scale Solar
- Southern California Public Power Authority (SCPPA)
- San Diego-Imperial Counties Labor Council (AFL-CIO)
- Solar Energy Industry Association (SEIA)
- Southern California Edison (if amended)
- US Green Buildings Council

Local Governments

- City of Berkeley
- City and County of San Francisco
- City of Santa Monica
- City of Oxnard
- City of Thousand Oaks
- City of West Hollywood
- County of Santa Barbara
- County of Ventura

Agriculture Groups

- American Farmland Trust

- California Climate & Agriculture Network (CalCAN)

Faith Groups

- California Interfaith Power & Light
- Catholic Charities, Diocese of Stockton

Sustainable Communities and Affordable Housing Groups

- Access to Independence
- C&C Development Company
- California Bicycle Coalition
- California Transit Association
- Circulate San Diego
- City Heights Community Development Corporation
- Coalition for Clean Air
- Green Education Inc.
- The Hampstead Companies
- Housing California
- MAAC
- Move LA
- San Diego Housing Federation
- Wakeland Housing and Development Corporation
- TransForm

Environmental and Public Interest Advocates, and Conservation Groups

- 350 Bay Area
- 350 Sacramento
- Audobon
- Azul
- California League of Conservation Voters (CLCV)
- Californians Against Waste
- CalTrout
- Carbon Cycle Institute
- Climate Action Campaign
- Climate Resolve
- Center for Biological Diversity
- Cleveland National Forest Foundation
- Clean Water Action
- Coastal Environmental Rights Foundation
- Consumers Union
- Big Sur Land Trust
- Endangered Habitats League (EHL)

- Environment California
- Environmental Action Defense Fund (EDF)
- Environmental Action Committee of West Marin
- Friends of the River
- Friends Committee on Legislation of California (FCLCA)
- Global Green USA
- Greenbelt Alliance
- Humane Society
- Land Trust of Santa Cruz County
- League of Women Voters of California
- League of Women Voters of Orange Coast
- Liberty Hill Foundation
- Mountains Recreation and Conservation Authority (MRCA)
- National Parks Conservation Association
- Natural Resources Defense Council (NRDC)
- The Nature Conservancy
- NextGen Climate
- Peninsula Open Space Trust (POST)
- Redland's Area Democratic Club
- ReLeaf
- Santa Clara Valley Open Space Authority
- Santa Clarita Organization for Planning and the Environment (SCOPE)
- Santa Monica Mountains Conservancy (SMMC)
- Sequoia Riverlands Trust
- Sierra Club
- Sonoma Agricultural Preservation and Open Space District
- Southwest Wetlands Interpretive Association
- Trust for Public Lands
- Union of Concerned Scientists (UCS)
- Ventura Climate Care Options Organized Locally (VCCool)
- Voices for Progress

Elected Officials

- Karen Bass, US Representative, 37th District
- Tom Bates, Berkeley Mayor
- Barbara Boxer, US Senator, California
- Judy Chu, US Representative, 32nd District
- Mark DeSaulnier, US Representative, 11th District
- Jared Huffman, US Representative, 2nd District
- Shiela Kuehl, Los Angeles County Supervisor, 3rd District

- Ted Lieu, US Representative, 33rd District
- Ronald Loveridge, Former Mayor, City of Riverside
- Alan Lowenthal, US Representative, 47th District
- Lucy Martin, Mayor, City of Calabasas
- Linda Parks, Ventura County Supervisor
- Carmen Ramirez, Mayor pro Tem, Oxnard City
- Adam Schiff, US Representative, 28th District
- Hilda Solis, Los Angeles County Supervisor, 1st District
- Illece Buckley Weber, Mayor, City of Agoura Hills

Scientific Community

- Simone Aloisio, Ph.D.
- Ray Anderson, Ph.D.
- Kenneth Arrow, Ph.D.
- Bevin Ashenmiller, Ph.D.
- Roger C. Bales, Ph.D.
- Asmeret Asefaw Berhe, Ph.D.
- Hilda Blanco, Ph.D.
- Lewis Branscomb, Ph.D.
- Monika Calef, Ph.D.
- Juliet Christian-Smith, Ph.D.
- Eugene Cordero, Ph.D.
- Helen Cox, Ph.D.
- David DeSante, Ph.D.
- Michael Dettinger, Ph.D.
- Tim Duane, Ph.D.
- Ann Ehrlich, Ph.D.
- Henry Forman, Ph.D.
- Daniel Fiorino, Ph.D.
- Jed Fuhrman, Ph.D.
- Catherine Gautier, Ph.D.
- Alexander Gershenson, Ph.D.
- Gary Griggs, Ph.D.
- Andrew Gunther, Ph.D.
- Andrew Gutierrez, Ph.D.
- Barbara Haya, Ph.D.
- Elizabeth Herbert, Ph.D.
- Karen Holl, Ph.D.
- Edward Huang, Ph.D.
- Louise Jackson, Ph.D.
- Kathleen Johnson, Ph.D.
- Janet Kubler, Ph.D.
- Emilio Laca, Ph.D.

- Sherman Lewis, Ph.D.
- Michael Loik, Ph.D.
- Wade Martin, Ph.D.
- Edwin Maurer, Ph.D.
- Jean Moran, Ph.D.
- Max Moritz, Ph.D.
- Susanne Moser, Ph.D.
- Gretchen North, Ph.D.
- Edward Parson, Ph.D.
- Richard Plevin, Ph.D.
- Peter Schwartz, Ph.D.
- David Smernoff, Ph.D.
- Richard C.J. Somerville, Ph.D.
- Susan Ustin, Ph.D.
- Jasper Vrugt, Ph.D.
- Charlie Zender, Ph.D.

Background

AB 32 (Nunez-Pavley, 2006) requires a reduction in statewide greenhouse gas pollution to 1990 levels by 2020. Since 2006, the state has **reduced nearly 100 million tons of GHGs** equal to the pollution from burning 11 billion gallons of gasoline. In the process, California has **attracted \$27 billion in private investment** in clean energy businesses, which now **employ hundreds of thousands of people**. Energy has also remained affordable, with the **average residential electrical bill dropping \$44** since 2006 when adjusted for inflation.

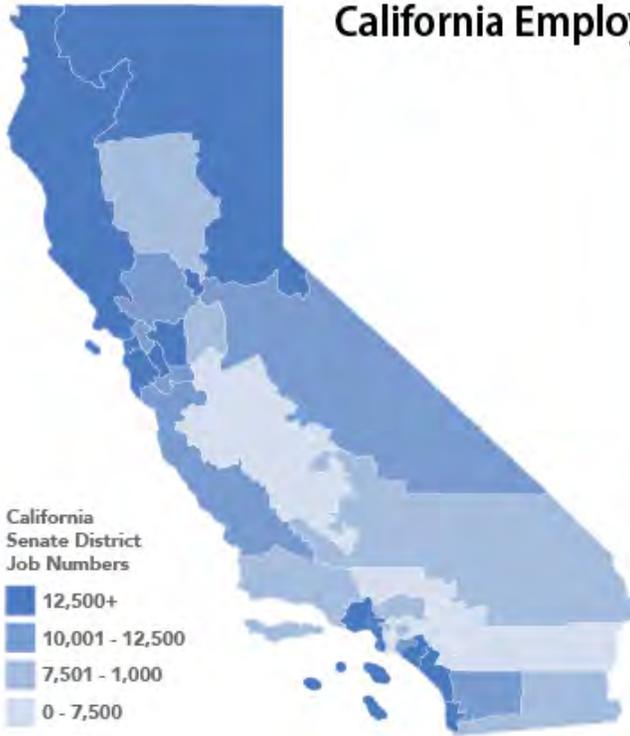
SB 32 (Pavley) sets a GHG reduction target of **80 percent below 1990 levels by 2050**. These targets are **guided by science**, established to **create regulatory certainty for businesses** and reduce pollution to **improve the health and quality of life** of Californians.



Supporting New Industries and Jobs

“California has more electric cars than any other state or country, leads the world in clean-technology investment and boasts a fast-growing fleet of renewable power plants.” – San Francisco Chronicle, 5/17/2015

California Employs 430,000+ Workers in Advanced Energy



District	Firms	Employ. #	District	Firms	Employ. #
1	1723	14382	21	404	4148
2	1384	15476	22	740	7827
3	1348	11250	23	533	5470
4	1066	8900	24	403	4374
5	937	7821	25	790	8108
6	2124	15047	26	1392	14723
7	1138	12728	27	1718	18178
8	1345	11223	28	275	7139
9	982	10980	29	638	6546
10	1200	13421	30	784	8293
11	1292	14451	31	707	7263
12	753	6281	32	856	9051
13	1456	16283	33	636	6729
14	726	6059	34	1026	10858
15	921	10299	35	776	8210
16	891	9968	36	1447	15307
17	1515	16445	37	2423	25630
18	930	9836	38	1097	11257
19	1154	7963	39	2170	22953
20	522	5362	40	798	8446

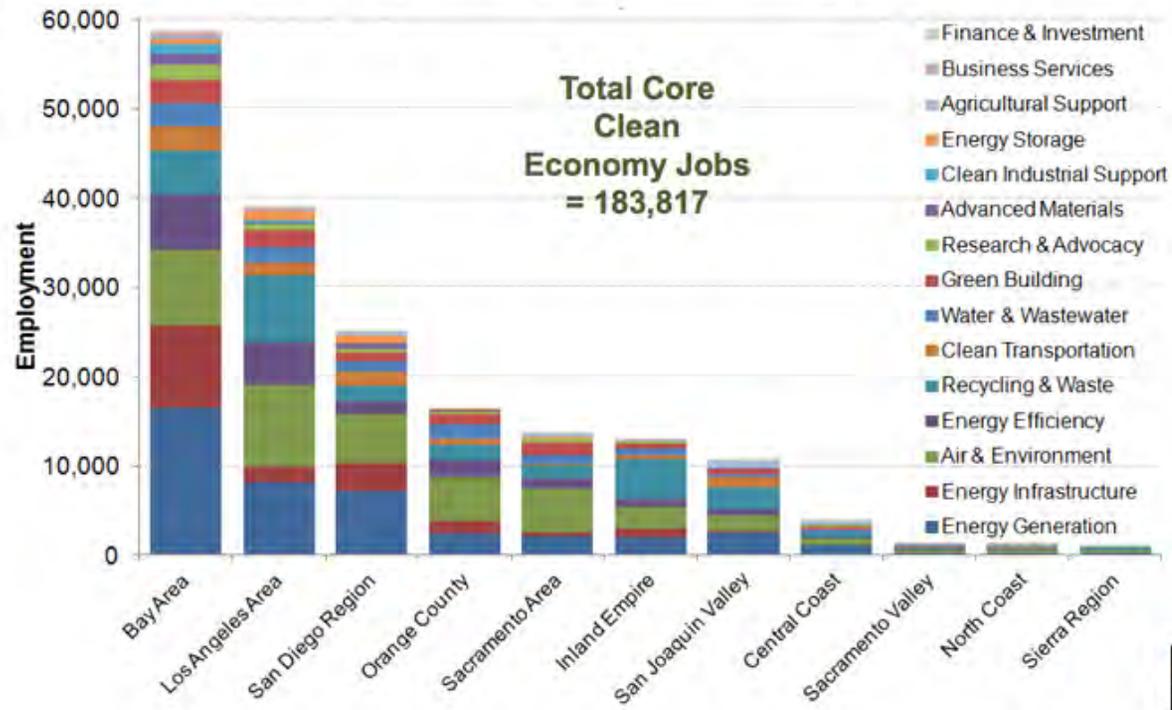
40,270
advanced
energy
jobs in SFV
Senate
Districts



Supporting New Industries and Jobs

“California’s clean-technology industry attracted more venture capital in 2014 than any other state or country, \$5.7 billion...California clean-tech investments rose 20 percent in 2014,” – San Francisco Chronicle, 5/17/2015

Regional Employment by Clean Economy Segment, 2014





CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

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

SUBJECT: INTRODUCTION OF ORDINANCE NO. 2015-326 AMENDING IN ITS ENTIRETY THE CALABASAS MUNICIPAL CODE CHAPTER 8.28 RELATING TO LOW IMPACT DEVELOPMENT AND STORMWATER MANAGEMENT AND POLLUTANT CONTROL; AND ADOPTION OF RESOLUTION NO. 2015-1467 APPROVING THE CITY OF CALABASAS GREEN STREET POLICY.

MEETING DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

Staff recommends that the City Council introduce Ordinance 2015-326 to amend in its entirety Chapter 8.28 of Title 8 of the Calabasas Municipal Code regarding stormwater and urban runoff pollution control regulations and adopt Resolution No. 2015-1467 approving City's Green Street Policy.

BACKGROUND

On November 8, 2012, the Los Angeles Regional Water Quality Control Board (Regional Board) approved National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit (MS4 Permit) Order No. R4-2012-0175, which established the waste discharge requirements for stormwater and non-stormwater discharges within the watersheds of Los Angeles County.

This permit is the fourth NPDES Permit under the Federal Clean Water Act for discharge from the municipal separate storm sewer system (MS4) within the coastal watersheds of Los Angeles County (Permit). The Permit became effective on December 28, 2012. The Permit identifies conditions, requirements and programs that municipalities must comply with to protect regional water resources from adverse impacts associated with pollutants in stormwater and urban runoff. The City of Calabasas is a named Permittee subject to the Permit.

The new Permit requires that each Permittee has the legal authority within its jurisdiction to implement and enforce the Permit requirements pursuant to the Clean Water Act. On March 13, 2013, the City Council directed staff to pursue development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) with other local agencies sharing Los Angeles River and Malibu Creek watersheds. On June 26, 2013, the City Council approved an MOU with public agencies sharing the Malibu Creek Watershed and also approved the PSA with RBF Consulting to prepare the EWMP and CIMP for this watershed. City of Calabasas is the lead agency on this effort. Subsequently, on October 23, 2013, the City Council approved the MOU with City of Los Angeles as lead agency joining other public agencies sharing the Upper Los Angeles River watershed to prepare similar documents for this water body.

DISCUSSION:

The City of Calabasas is pursuing the development and implementation of an Enhanced Watershed Management Program (EWMP) consistent with the Permit and in cooperation with the cities of Agoura Hills, Westlake Village, Hidden Hills, County of Los Angeles and Los Angeles County Flood Control District. As required by the Permit, a draft EWMP plan Administrative Report will be submitted to the Regional Board for review by June 28, 2015.

The MS4 Permit, which became effective on December 28, 2012, is a highly complex document, and requires that discharges from the storm drain system not cause or contribute to any exceedance of water quality standards. These standards are measured through the adoption of Total Daily Maximum Loads (TMDLs). TMDLs are the maximum amount of pollutants the identified water body can handle in relation to its dependent eco-system and the designated beneficial uses (e.g. recreational, commercial fishing, wildlife habitat). Violation of these water quality standards opens the City to enforcement and third-party lawsuits.

Low Impact Development (LID)

A condition of approval of the EWMP is that all participating Permittees must have Low Impact Development (LID) Ordinances adopted by the time of the draft EWMP submittal on June 28, 2015. LID is an approach to new development and redevelopment projects that works to manage stormwater as close to its source as possible. LID includes elements such as bio-retention facilities, rain gardens,

vegetated rooftops, rain barrels, and permeable pavements that minimize effective imperviousness.

The following is a summary of the key features of the LID Ordinance:

- The draft ordinance replaces the Standard Urban Stormwater Mitigation Plan (SUSMP).
- Development types and footprints that trigger LID requirements are similar to the SUSMP thresholds with some minor changes. Housing developments of ten units or more (either single-family or multi-family) has been eliminated and replaced by the general category of new developments of any type which create 10,000 square feet or more of impervious surface on a one-acre disturbed site.
- Proposed new development and redevelopment projects subject to LID will be required to capture and retain the 85th percentile 24-hour design storm depth onsite through infiltration, bio-retention and/or rainfall harvest for non-potable use onsite.
- Projects will no longer be allowed to address stormwater runoff via treatment alone as was often done under SUSMP without first demonstrating that it is technically infeasible to retain the design storm runoff onsite. If onsite retention of stormwater is demonstrated to be technically infeasible, then alternatives may include onsite bio-filtration, or onsite treatment, plus offsite mitigation of the design storm volume.
- The LID provisions of the draft ordinance references the County of Los Angeles LID Standards Manual as the design standard.
- Definitions in the ordinance have been updated and other changes made for consistency with the 2012 Permit.

Green Street Policy

Applying the intent and the purpose of the LID, the Permit also requires agencies to adopt a Green Street Policy that speaks to implementing LID components within the public right of ways. Green streets are defined as right of way areas that incorporate infiltration, bio filtration, and/or storage and use of Best Management Practices (BMP) to collect, retain or detain stormwater runoff, as well as, design elements that create attractive streetscapes.

A draft Green Street Policy was submitted to the Regional Board for staff's review prior to City Council adoption. The Regional Board indicated that the Policy is consistent with the MS4 permit requirements.

Green streets can incorporate a wide variety of design elements, including but not limited to, street trees, flow-through planters, sustainable pavements, bio-retention, and vegetated swales. Like many other government agencies adopting a Green Streets Policy, the proposed resolution includes language incorporating the United States Environmental Protection Agency's (USEPA) "Managing Wet Weather with

Green Infrastructure Municipal Handbook", in order to provide guidance for public and private developments.

With Council's approval of the policy, Public Works Department will be directed to do the following:

- Implement Green Streets, to the maximum extent practicable, for City-owned arterials streets which add at least 10,000 square feet of impervious surface.
- Consider opportunities to implement Green Streets Best Management Practices (BMPs) for new land development, redevelopment, and capital improvement projects (CIPs).
- Make non-substantive changes to the City's Green Streets Policy consistent with the requirements of the MS4 Permit.
- Periodically evaluate the effectiveness of the Green Streets BMPs.

It should be noted that routine maintenance/repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original lines and grades are maintained.

FISCAL IMPACT/SOURCE OF FUNDING:

There is no fiscal impact associated with adoption of the ordinance and the resolution.

REQUESTED ACTION:

That the City Council introduce Ordinance 2015-326 to amend in its entirety Chapter 8.28 of Title 8 of the Calabasas Municipal Code regarding stormwater and urban runoff pollution control regulations and adopt Resolution No. 2015-1467 approving City's Green Street Policy.

ATTACHMENTS:

1. Current Chapter 8.28 of Title 8 of the Calabasas Municipal Code
2. Ordinance No. 2015-326
3. Resolution No. 2015-1467

Chapter 8.28 - STORM WATER AND URBAN RUNOFF POLLUTION PREVENTION CONTROLS

Sections:

Article I. - Title, Purpose and General Provisions

8.28.010 - Purpose and intent.

- A. The purpose of this chapter is to protect the health and safety of those who recreate in and consume food from the Santa Monica Bay, a water of the United States, and to protect marine habitats and ecosystems existing therein by:
 - 1. Reducing non-storm water discharge to the municipal storm water system to the maximum extent practicable;
 - 2. Eliminating the spillage, dumping and disposal of significant materials into the municipal storm water system;
 - 3. Reducing pollutant loads in storm water and urban runoff, to the maximum extent practicable, by requiring the implementation of best management practices (sometimes referred to in this chapter as "BMPs") and evaluating the efficacy of such practices against water quality objectives established by the California Regional Water Quality Control Board, Los Angeles Region;
 - 4. Maintaining consistency with the city's general plan and the performance standards.
- B. The intent of this chapter is to enhance and protect the water quality of Santa Monica Bay and receiving waters of the United States in a manner that is consistent with the Clean Water Act.

(Ord. 97-117 Art. 1 (§ 1), 1997)

8.28.020 - Definitions.

Except as specifically provided herein, any term used in this chapter shall be defined as that term is defined in any existing or future municipal National Pollution Discharge Elimination System (NPDES) permit, or in the Standard Urban Storm Water Mitigation Plan (SUSMP) approved by the Regional Water Quality Control Board—Los Angeles Region (Regional Board), or if it is not specifically defined therein, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the municipal NPDES permit or the SUSMP, then the definition contained in the municipal NPDES permit shall govern and, if not set forth therein, the definition set forth in the SUSMP shall govern.

"Best management practices (BMPs)" means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and non-point source discharges including storm water. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

"Director" means the public works director of the city.

"Illicit connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non storm-water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Part 1, "Discharge Prohibitions" of the municipal NPDES permit, and discharges authorized by the Regional Board Executive Officer.

"Municipal separate storm sewer system" (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned by the city or a state, county, or other public body, that is designed or used for collecting or conveying storm water, which is not a combined sewer, and which is not part of a publicly owned treatment works, and which discharges to waters of the United States.

"Non-storm water discharge" means any discharge to a storm drain that is not composed entirely of storm water.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA Sections 307, 402, 318, and 405. The term includes an "approved program."

"New development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

"Owner," applied to a building or land, means any part owners, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

"Person" means any natural person, firm, association, club, organization, corporation, partnership, limited liability company, business trust company or other entity which is recognized by law as the subject of rights or duties.

"Pollutants" means those "pollutants" defined in CWA Section 502(6)(33.U.S.C. Section 1362(6)), and incorporated by reference into California Water Code Section 13373.

"Premises" means any building, lot, parcel of land, land or portion of land whether improved or unimproved.

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

"Runoff" means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

"Significant material" means any substance including but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; mortar; sediment and sludge; manure and other fertilizers, pesticides, oil, grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing toxic or nontoxic chemicals, or heavy metals; used batteries; or anything that contains such significant materials or to which such significant materials may attach.

"Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

(Ord. 2002-177 Art. (§ 1), 2002: Ord. 97-117 Art. 1 (§ 2), 1997)

8.28.030 - Responsibility for administration.

This chapter shall be administered by the city engineer.

(Ord. 97-117 Art. 1 (§ 3), 1997)

8.28.040 - Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NPDES Permits and any amendments, revisions or reissuance thereof.

(Ord. 97-117 Art. 1 (§ 4), 1997)

Article II. - Discharge Prohibitions and Requirements

8.28.050 - Illicit discharges and connections.

A. Illicit Discharges. No person shall cause any illicit discharge to enter the municipal storm water system unless such discharge: (1) consists of non-storm water that is authorized by an NPDES point source permit obtained from the Regional Board, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulation; (2) is associated with fire fighting activities or exempted by the Regional Board; or (3) is deemed by the city engineer or designee to be necessary to public health, safety or welfare.

Prohibited discharges include, but are not limited to: (1) the discharge of wash waters to the MS4 from the cleaning of gas stations, auto repair garages, or other types of automotive service facilities; (2) the discharge of runoff to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations; (3) the discharge of runoff to the MS4 from areas where repair of machinery and equipment which are visibly leaking oil, fluid or antifreeze, is undertaken; (4) the discharge of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials; (5) the discharge of chlorinated/brominated swimming pool water and filter backwash to the MS4; (6) the discharge of runoff from the washing of toxic materials from paved or unpaved areas to the MS4; (7) washing impervious surfaces in industrial/commercial areas that results in a discharge of runoff to the MS4; (8) the discharge of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment to the MS4; and (9) dumping or disposal of materials into the MS4 other than storm

water, such as: (i) litter, landscape debris and construction debris; (ii) any state or federally banned or unregistered pesticides; (iii) food and food processing wastes; and (iv) fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality.

Discharges not subject to this provision when properly managed as determined by the city engineer include: water line flushing and other discharges from potable water sources, flows from riparian habitats or wetlands, rising ground waters, uncontaminated ground water, air conditioning condensations, springs, dechlorinated/debrominated swimming pool discharges, discharges or flows from emergency fire fighting activities, and any other discharge authorized by the Executive Officer of the Regional Board or specified as exempt from discharge prohibitions in any NPDES permit. However, discharges of filter backwash from public or commercial swimming pools shall be prohibited unless authorized by an NPDES point source permit obtained from the Regional Board.

- B. Illicit Connections. It is a violation of this chapter to establish, use, maintain or continue illicit drainage connections to the county storm drain system, or to commence or continue any illicit discharges to the city and county drain system. This prohibition against illicit connections is expressly retroactive and applies to connections made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection.

(Ord. 2002-177 Art. 2 (§ 2), 2002; Ord. 97-117 Art. 2 (§ 1), 1997)

8.28.060 - Illegal disposal.

No person shall place any significant material into any component of the municipal storm water system or into any place, including any street, road, alley catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain, pipe, or any fabricated or natural conveyance that may transport the significant material into the waters of the Pacific Ocean.

(Ord. 97-117 Art. 2 (§ 2), 1997)

8.28.070 - Reduction of pollutants in storm water.

- A. No vehicle, machinery or device shall be allowed to leak, spill or discharge in any manner oil, grease, coolant or other significant material onto any street, alley, road, parking lot or surface in the city whereon pollutants contained in or on significant materials can or may be conveyed into the municipal storm water or Pacific Ocean by storm water or non-storm water runoff.
- B. Objects such as vehicle motor parts and machines containing grease, oil or other hazardous substances, and unsealed receptacles containing significant materials, shall not be stored in areas susceptible to storm water runoff or stored so that they may leak into the municipal storm water system.
- C. In all areas in the city which are uncovered or otherwise exposed to storm water, fuels, chemicals, fuel and chemical wastes, animal wastes, food wastes, garbage, batteries and other materials which have a potential adverse impacts on water quality shall be stored and disposed of so that they will not leak or discharge into or be carried into the municipal storm water system.
- D. Other appropriate BMPs shall be implemented to reduce the discharge of pollutants to the maximum extent practicable, including the removal and lawful disposal of any solid waste or any other substance which, if it were to be discharged to the MS4, would be a pollutant, including fuels, waste fuels, chemicals, chemical wastes and animal wastes, from any part of the premises exposed to storm water.

- E. Appropriate BMPs shall be implemented to reduce the discharge of pollutants from proposed development in the city following completion of construction.
- F. Appropriate BMPs shall be implemented to reduce the discharge of pollutants from all construction projects in the city.

(Ord. 97-117 Art. 2 (§ 3), 1997)

8.28.080 - Control of pollutants from industrial sources.

- A. All persons and businesses within the city shall operate in compliance with all state and federal laws regulating or pertaining to storm water management and runoff including operating with all required permits.
- B. Industries that require an NPDES general industrial activities storm water permit shall retain on-site the following documents which evidence compliance with permit requirements: (1) a copy of a notice of intent to comply with the terms of the general permit to discharge storm water associated with industrial activity issued by the California Regional Water Quality Control Board; (2) a waste discharge identification number issued by the California Regional Water Quality Control Board; (3) a storm water pollution prevention plan and monitoring program plan; and (4) any storm water quality data.
- C. Any industry in the city requiring an NPDES general industrial activities storm water permit shall provide the city a copy of the documents described in subsection (A) of this section.
- D. The city may require conditions placed upon the issuance of any permit to any commercial or industrial facility to minimize the risk of significant materials flowing into the municipal storm water system and the Pacific Ocean. The imposition of conditions under this section shall be based upon the standards set forth in the most recent addition of the California Storm Water Best Management Practice Handbooks (Municipal and Industrial/Commercial Handbooks, specifically the appropriate sections of each handbook for best management practice selection, source controls, and treatment controls) and such additional standards as determined by the city.
- E. Any industry in the city requiring an industrial hazard permit shall provide the city with a copy of the permit.

(Ord. 97-117 Art. 2 (§ 4), 1997)

8.28.090 - Littering and proper disposal of hazardous wastes.

- A. No person shall throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained or kept, any refuse, rubbish, food waste, garbage, hazardous materials or any other discarded or abandoned objects, articles or accumulations in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in the city, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facilities.
- B. No person shall dispose of hazardous wastes, including but not limited to batteries, fuels and industrial solvents in municipal trash containers.

(Ord. 97-117 Art. 2 (§ 5), 1997)

8.28.100 - Blowing debris.

No person shall place leaves, dirt or other debris in or upon any street, alley, sidewalk, parkway or other public right-of-way.

(Ord. 97-117 Art. 2 (§ 6), 1997)

8.28.110 - Disposal of landscape debris.

No person shall intentionally dispose of leaves, dirt or other landscape debris into a storm drain.

(Ord. 97-117 Art. 2 (§ 7), 1997)

8.28.120 - Sweeping of parking lots.

Sweeping and removal of debris shall be performed on all parking lots with more than twenty-five (25) parking spaces located in areas potentially exposed to storm water prior to the rainy season and once each month during the rainy season.

(Ord. 97-117 Art. 2 (§ 8), 1997)

8.28.125 - Storm water pollution prevention requirements for new development and redevelopment projects.

- A. Copies of Documents. All persons engaged in construction activity within the city requiring a State General Construction Activities Storm Water Permit ("GCASP") shall have at the construction site available for review: (a) a copy of the notice of intent for coverage under the GCASP; (b) the Waste discharge identification number issued by the State Water Resources Control Board; and (c) copies of the Storm Water Pollution Prevention Plan and Storm Water Monitoring Plan as required by the permit.
- B. All persons engaged in construction activity within the city shall implement best management practices to avoid, to the maximum extent practicable, the discharge of pollutants to the MS4, in accordance with the city's grading permit requirements. Prior to issuance of a grading permit, the developer shall submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan ("SWPPP/IIWWECP") setting forth appropriate construction site BMPs and maintenance schedules and setting forth the rationale used for selecting or rejecting BMPs and certified in accordance with the municipal NPDES Permit.
- C. All applicants for new development or redevelopment projects in subject categories specified herein shall submit a storm water mitigation plan ("SWMP") with their project applications to the city. The SWMP shall be submitted to the director for review and approval and shall comply with all requirements of the city's municipal NPDES permit, including any applicable SUSMP developed as a part of or pursuant to the city's municipal NPDES permit. Copies of the city's municipal NPDES permit and any applicable SUSMP are on file with the city clerk and director for review. Projects subject to this paragraph are as follows:
 1. Ten (10) or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments);
 2. Industrial/commercial projects that disturb one acre or more of surface area;
 3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);
 4. Retail gasoline outlets;
 5. Restaurants (SIC 5812);
 6. Parking lots five thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;
 7. Redevelopment projects in subject categories that meet redevelopment thresholds; and
 - 8.

Redevelopment projects located in or directly adjacent to or discharging directly into an environmentally sensitive area where the development will (i) discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat and (ii) create two thousand five hundred (2,500) square feet or more of impervious surface area.

- D. The SWMP shall be designed to reduce projected runoff for the project through incorporation of design elements or principles, in accordance with the goals set forth in the city's municipal NPDES permit and any applicable SUSMP. Applicants shall refer to the most recent edition of the California Storm Water Best Management Practices Handbook (available from the Los Angeles County Department of Public Works), the city's municipal NPDES permit and any applicable SUSMP, for specific guidance on selecting structural and/or treatment control BMPs (including applicable post-construction treatment control BMPs) for reducing pollutants in storm water runoff from urbanized areas.
- E. For new development or redevelopment projects not requiring a SUSMP, but which may potentially have adverse impacts on post-development storm water quality, a SWMP, which shall consist of a site-specific plan including post-construction treatment controls to mitigate storm water pollution, shall be required where one or more of the following project characteristics exist:
1. Vehicle or equipment fueling areas;
 2. Vehicle or equipment maintenance areas, including washing and repair;
 3. Commercial or industrial waste handling or storage;
 4. Outdoor handling or storage of hazardous materials;
 5. Outdoor manufacturing areas;
 6. Outdoor food handling or processing;
 7. Outdoor animal care, confinement, or slaughter; or
 8. Outdoor horticulture activities.
- F. Applicants shall design and provide for implementation of post-construction treatment controls to mitigate storm water pollution for the following categories of projects:
1. Single-family hillside residential developments of one acre or more of surface area;
 2. Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten (10) units or more;
 3. A one hundred thousand (100,000) square feet or more impervious surface area industrial/commercial development;
 4. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [five thousand (5,000) square feet or more of surface area];
 5. Retail gasoline outlets [five thousand (5,000) square feet or more of impervious surface area and with projected average daily traffic (ADT) of one hundred (100) or more vehicles]. Subsurface treatment control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;
 6. Restaurants (SIC 5812) [five thousand (5,000) square feet or more of surface area];
 7. Parking lots five thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;
 8. Projects located in, adjacent to or discharging directly to an environmentally sensitive area that meet threshold conditions identified in subsection (c)(8) above; and

9. Redevelopment projects in subject categories that meet redevelopment thresholds.
- G. Where redevelopment results in an alteration to more than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development. Existing single-family structures are exempt from the redevelopment requirements.
- H. If an applicant has included or is required to submit to the city structural and/or treatment control BMPs pursuant to this chapter, the applicant shall include in its application verification of maintenance provisions regarding such BMPs. The verification shall include the applicant's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such responsibility is legally transferred. Applicant shall also provide, as requested by the director, any other legally enforceable agreement that assigns responsibility for the maintenance of post construction structural or treatment control BMPs.
- I. For development of a new, or redevelopment of an existing, single-family hillside home, the SWMP shall include measures to:
1. Conserve natural areas;
 2. Protect slopes and channels;
 3. Provide storm drain system stenciling and signage;
 4. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 5. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
- J. City Review and Plan Approval.
1. Prior to the issuance of a building or grading permit for a new development or redevelopment project, the city shall evaluate the proposed project using the applicable SUSMP, guidelines and BMP list approved by the Regional Board, and erosion and grading requirements of the city building official or director to determine: (i) its potential to generate the flow of pollutants into the municipal storm drain system both during and after construction; and (ii) how well the SWMP for the proposed project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the city may impose conditions upon the issuance of the building permit, in addition to any required by the GCASP for the project, in order to minimize the flow of pollutants into the municipal storm drain system.
 2. No grading permit for developments requiring coverage under the state general permit shall be issued unless the applicant submits proof of a waste discharger identification (WDID) Number for filing a notice of intent (NOI) for coverage under the GCASP and a certification that a SWPPP has been prepared by the project developer.
 3. The director shall approve or disapprove of the SWMP within thirty (30) calendar days of submittal or within thirty (30) days of approval of the development project by the planning commission, where planning commission approval is required.

4. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty (180) days of approval of an SWMP, the SWMP for that project shall expire. The director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the SWMP, the applicant shall resubmit all necessary forms and other data and pay a new plan review fee.
 5. Storm water runoff containing sediment, construction waste or other pollutants from the construction site and parking areas shall be reduced to the maximum extent practicable. The following best management practices shall apply to all construction projects within the city and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a certificate of occupancy:
 - a. Sediment, construction waste, and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable.
 - b. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
 - c. All excavated soil shall be located on the site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the site.
 - d. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction or other vehicles is permitted to run off the construction site, or to otherwise enter the municipal storm drain system.
 6. As a condition to granting a construction permit, the city may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.
 7. The director may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control, storm water pollution prevention, or other plans consistent with countywide development construction guidance provisions and the goals of this chapter.
- K. Transfer of Properties Subject to Structural and Treatment Control BMP Maintenance.
1. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either (1) assume responsibility for maintenance of any existing structural or treatment control BMP; or (2) to replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of such inspection.
 - 2.

Conditions, covenants and restrictions for residential properties where structural or treatment control BMPs are located that are to be maintained by a homeowner's association shall provide for maintenance of the structural or treatment control BMPs by the homeowner's association; if such BMPs are to be maintained by individual property owners, a written explanation of the maintenance responsibility shall be included with any deed transferring title to said individual property as well as being attached to the conditions, covenants and restrictions for the property.

3. If property on which structural or treatment control BMPs are located that is to be dedicated to a public agency, the public agency shall provide a signed statement that the agency assumes responsibility for such BMPs and that the BMPs meet all local agency design standards.
- L. Waiver. The director may waive the treatment requirements of the SUSMP for a specific property if the project applicant establishes the impracticability of the requirements for that property. No waiver may be granted unless all other structural or treatment control BMPs have been considered and rejected as infeasible. Recognized situations of impracticability include: (i) extreme limitations of space for treatment on a redevelopment project, (ii) unfavorable or unstable soil conditions at a site to attempt infiltration, and (iii) risk of ground water contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of is less than ten (10) feet from the soil surface. Any other justification for impracticability shall be separately petitioned by the director and submitted to the Regional Board for consideration and a waiver shall not be granted for such justification unless the justification is approved by the Regional Board Executive Officer.

(Ord. 2002-177 Art. 2 (§ 3), 2002)

Article III. - Inspection and Enforcement

8.28.130 - Inspection and reporting.

- A. Authority to Inspect. The city engineer, and representatives thereof, are authorized and directed to enforce all provisions of this chapter. The city's inspection authority pursuant to this section shall include the authority to enter, sample, inspect, review and copy records, and require regular reports from industrial facilities (including construction sites) discharging, or with the potential to discharge, polluted storm water runoff into the MS4.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of any provision of this chapter, the officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter; provided that: (1) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant. In the event the owner and/or occupant refuses entry after such request has been made, the officer is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

C.

Authority to Conduct Samplings and Establishing Sampling Devices. With the consent of the owner or occupant or pursuant to an inspection warrant, any authorized enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determining the concentrations of pollutants in storm water and/or non-storm water runoff. During all inspections as provided in this chapter, the authorized enforcement officer may take any samples deemed necessary.

- D. Requirement to Sample or Monitor. Any authorized enforcement officer may order that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution of contamination, illicit discharges and/or discharge of non-storm water to the storm water system, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. All costs incurred for such activity shall be borne by the party ordered to do the sampling. In the event the owner or operator of a facility subject to a monitoring and/or analyses order fails to conduct required monitoring and/or analyses and furnish the required reports in the form required, the authorized enforcement officer may cause such monitoring and/or analyses and the cost therefor, including the reasonable additional administrative costs incurred by the city, shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days of the issuance thereof, the costs shall be a lien upon and against the property and continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three months after the completion by an authorized enforcement officer of the required monitoring and/or analyses and reports, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.
- E. Citizen Reporting. Members of the public shall be encouraged to report possible violations of this chapter to the city engineering department.

(Ord. 2002-177 Art. 3 (§§ 4, 5), 2002; Ord. 97-117 Art. 3 (§ 1), 1997)

8.28.140 - Enforcement.

A. Violations Deemed a Public Nuisance.

1. Each of the following is hereby determined to be a threat to the public health, safety and welfare, and is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city attorney, pursuant to the city's authority to abate nuisances:
 - a. Any condition caused or permitted to exist in violation of any of the provisions of Chapter 17.56 or of this chapter; or
 - b. Any failure to comply with any applicable requirement of the SUSMP, an approved SWMP with respect to a property, a contract to which the city is a party; or any order or notice issued pursuant to this section; or
 - c. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
 - d. Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved SWMP or the SUSMP.
- 2.

The cost of such abatement shall be borne by the owner of the property from which the discharge originated and the cost shall be assessed to the owner of that property, pursuant to the procedure for recovery of costs set forth in Chapter 8.20 of this code.

3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the city manager or the city manager's designee shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this subsection shall constitute a public nuisance and a violation of this chapter.
- B. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.
- C. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, as appropriate, any or all of the following remedies:
 1. A temporary and/or permanent injunction;
 2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
 3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation;
 4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- D. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, any authorized enforcement officer has the authority to utilize the following administrative remedies:
 1. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement, (b) comply with a time schedule for compliance, and (c) take appropriate remedial or preventive action to prevent the violation from recurring.
 2. Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, vegetation, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the MS4 or result in a non-storm water discharge to the MS4, the officer may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, vegetation, tin cans, rubbish, refuse, waste or other material, in any manner that the officer may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.
- E. Penalties. Violation of this chapter shall be punishable as a misdemeanor as provided in Chapter 1.16 of this code. Each day that a violation continues shall constitute a separate offense.
- F. Permit Revocation. To the extent the city makes compliance with a provision of this chapter, or any identified BMP, a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this code.
- G.

Remedies. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for in this chapter shall be cumulative and not exclusive.

(Ord. 2002-177 Art. 3 (§ 6), 2002)

ITEM 9 ATTACHMENT 2
ORDINANCE NO. 2015-326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 28 OF ARTICLE 8 OF THE CALABASAS MUNICIPAL CODE (STORM WATER AND URBAN RUNOFF POLLUTION PREVENTION CONTROLS), TO INCLUDE LOW IMPACT DEVELOPMENT REQUIREMENTS AND ADDITIONAL REVISIONS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

WHEREAS, the City is authorized by Article XI, Section 5 and Section 7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general welfare; and

WHEREAS, the federal Clean Water Act establishes Regional Water Quality Control Boards in order to prohibit the discharge of pollutants in storm water runoff to waters of the United States; and

WHEREAS, the City is a co-permittee under the California Regional Water Quality Control Board, Los Angeles Region Order No. R4-2012-0175, issued on November 08, 2012 which establishes Waste Discharge Requirements for Municipal Separate Storm Sewer Systems (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4; and

WHEREAS, Order No. R4-2012-0175 contains requirements for municipalities to establish a Low Impact Development (LID) Ordinance in order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program; and

WHEREAS, the City has the authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity that might degrade waters of the State; and

WHEREAS, the City is committed to a storm water management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations; and

WHEREAS, urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters; and

WHEREAS, it is the intent of the City to expand the applicability of the existing LID requirements by providing storm water and rainwater LID strategies for all projects for Development and Redevelopment projects where technically feasible, as defined herein.

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

SECTION 1. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because the Low Impact Development requirements for new development and redevelopment projects of this Ordinance will not have a significant effect on the environment, and the adoption of this Ordinance and the timing thereof is mandated by the action of the Los Angeles Regional Water Quality Control Board ("LARWQCB"). In this case, the City is acting at the direction of the LARWQCB and federal law to protect, maintain, restore and enhance natural resources and the environment. To comply with the requirements of the LARWQCB, the City Council finds that the adoption of this Ordinance is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15307 and 15308. Furthermore, this Ordinance will have no possible significant effect on the environment, given that the provisions of this Ordinance provides similar regulations as currently exist and will not in and of themselves cause any change in the environment. Staff is hereby directed to prepare and post a notice of exemption pursuant to CEQA Guidelines Section 15062.

SECTION 2. Chapter 28 of Article 8 of the Calabasas Municipal Code is hereby amended in its entirety to read as follows:

CHAPTER 28.

STORM WATER MANAGEMENT AND DISCHARGE CONTROL

Sections:

- Short title.
- Findings.
- Purpose and intent.
- Definitions.
- Prohibited activities.
- Exempted discharges

- Conditional Exceptions from Non-Storm Water Discharges Prohibition.
- Good housekeeping provisions.
 - Requirements for existing properties.
- Requirements for industrial/commercial and construction activities.
 - Low impact development requirements for new development and redevelopment.
- Fees
- Enforcement.
- No taking.

8.28.008 - SHORT TITLE.

This chapter shall be known as the “Chapter 8.28: Storm Water Management and Discharge Control”

8.28.009 - FINDINGS.

- A. The Federal Clean Water Act (33 U.S.C. 1251, et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter “NPDES”) requirements to storm water and urban runoff discharge into municipal storm drain systems.
- B. The city of Calabasas is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- C. The city of Calabasas has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- D. Storm water and urban runoff flows from individual properties into streets, storm drains, or natural watercourses, which then lead into the Santa Monica Bay.
- E. The city of Calabasas is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4”, issued by the California Regional Water Quality Control Board—Los Angeles Region (Order No. R4-2012-0175), which also serves as a NPDES permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a Low Impact Development (LID)

ordinance.

- F. The city of Calabasas is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.
- G. Urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters.
- H. The city of Calabasas needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- I. LID is widely recognized as a sensible approach to managing the quantity and quality of stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- J. In order to control, in a cost-effective manner, the quantity and quality of storm water and urban runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential.
- K. This chapter also sets forth requirements for the construction and operation of certain commercial development, new development and redevelopment and other projects (as further defined herein). This chapter authorizes the authorized enforcement officer to define and adopt applicable best management practices and other storm water pollution control measures, to grant waivers from LID requirements, as provided herein, to enforce the provisions of this chapter. Except as otherwise provided herein, the authorized enforcement officer shall administer, implement and enforce the provisions of this section.

8.28.010 - PURPOSE AND INTENT.

A. The purpose of this Chapter is to ensure the future health, safety and general welfare of the citizens of the City and the water quality of the Malibu Creek and Los Angeles River watersheds and surrounding coastal areas by:

- 1. Reducing pollutants in storm water discharges to the maximum extent practicable;
- 2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and urban runoff into the MS4 and receiving waters; and
- 3. Regulating non-storm water discharges to the MS4, natural drainage courses, and receiving waters.

B. The intent of this chapter is to protect and enhance the quality of watercourses, water bodies, and wetlands within the city in a manner consistent

with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the Municipal NPDES Permit.

C. This Chapter also sets forth requirements for the construction and operation of certain commercial development, new development and redevelopment and other projects (as further defined herein) which are intended to ensure compliance with the storm water mitigation measures prescribed in the current version of the Municipal NPDES Permit approved by the Regional Water Quality Control Board, Los Angeles Region.

D. This Chapter authorizes the Authorized Enforcement Officer to define and adopt applicable Best Management Practices (BMP's) and other storm water pollution control measures and to cite infractions and to impose fines pursuant to this Chapter. Except as otherwise provided herein, the Authorized Enforcement Officer shall administer, implement and enforce the provisions of this Section.

E. This Chapter is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the municipal storm water system over which it has jurisdiction as required by the municipal NPDES Permit.

8.28.020 - DEFINITIONS.

Except as specifically provided herein, any term used in this chapter shall be defined as that term is defined in the current Municipal NPDES Permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter.

"Area Susceptible to Runoff" means any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.

"Area of Special Biological Significance (ASBS)" means areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas.

"Authorized Enforcement Officer" means the Director of the Department of Public Works on his or her designee.

"Automotive Service Facility" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511 provided that these facilities have no outside activities or materials that may be exposed to storm water.

"Basin Plan" means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments.

"Best Management Practices (BMPs)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from storm water or non-storm water discharges to receiving waters, or designed to reduce the volume of storm water or non-storm water discharged to the receiving water. Examples of BMPs may include, but are not limited to public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge- or waste-handling and disposal, among others.

"Biofiltration" means a LID BMP that reduces storm water pollutant discharges by intercepting rainfall on vegetative canopy or groundcover, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

"Bioretention" means a LID BMP that reduces storm water runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in this Ordinance, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the NPDES Permit as biofiltration.

"Bioswale" means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect storm

water runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

"City" means the City of Calabasas.

"Clean Water Act (CWA)" means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with a NPDES Permit.

"Commercial Development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

"Commercial Malls" means any development on private land comprised of one or more buildings forming a complex of stores which sell various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

"Construction Activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Storm water Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan.

"Control" means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities.

"Development" means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multiunit or

planned unit development); industrial, commercial, retail, and other nonresidential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Directly Adjacent" means situated within two hundred feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Director" means the City's Director of Public Works or the Director's designee.

"Discharge" when used without further qualification of the term means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semisolid, or solid substance.

"Discharging Directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

"Discharge of a pollutant" means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or, any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"Discretionary project" is defined in the same manner as Section 15357 of the Guidelines For Implementation of the California Environmental Quality Act contained in Title 14 of the California Code Of Regulations, as amended, and means a project which requires the exercise of judgment or deliberation when the city decides to approve or disapprove a particular activity, as distinguished from situations where the city merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

"Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.

"Environmentally Sensitive Area (ESA)" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code Section 30107.5). Areas subject to storm water mitigation requirements are areas designated as significant ecological areas by the county of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a significant natural area by the California Department of Fish and Wildlife's Significant Natural Areas Program provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the Rare, Threatened, or Endangered Species (RARE) beneficial use; and an area identified by the City as environmentally sensitive as reflected on the map which is on file in the City's department of Public Works.

"Flow-through BMPs" means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

"General Construction Activities Storm Water Permit" means the general NPDES Permit adopted by the State Board which authorizes the discharge of storm water from construction activities under certain conditions.

"General Industrial Activities Storm Water Permit" means the general NPDES Permit adopted by the State Board which authorizes the discharge of storm water from certain industrial activities under certain conditions.

"Green Roof" means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

"Good housekeeping practices" means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

"Hazardous Material(s)" means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

"Hillside" means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes.

"Illicit Connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding gutters, roof-drains and other similar connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations and is:

1. Into the MS4;
2. From the MS4 into a receiving water;
3. Through a natural drainage channel into the MS4 or into a receiving water; or directly into a receiving water.

The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally except non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in the NPDES Permit

"Impervious Surface" means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

"Industrial Park" means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry.

"Infiltration" means the downward entry of water into the surface of the soil.

"Infiltration BMP" means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

"Inspection" means entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include,

but are not limited to:

1. Pre-inspection documentation research;
2. Request for entry;
3. Interview of facility personnel;
4. Facility walk-through;
5. Visual observation of the condition of facility premises;
6. Examination and copying of records as required;
7. Sample collection (if necessary or required);
8. Exit conference (to discuss preliminary evaluation); and Report preparation, and if appropriate, recommendations for coming into compliance.

"Low Impact Development (LID)" consists of building and landscape features designed to retain or filter storm water runoff.

"Material" means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

"Maximum Extent Practicable (MEP)" means the standard for implementation of storm water management programs to reduce pollutants in storm water, including management practices, control techniques and system, design and engineering methods. See also Municipal NPDES Permit.

"Multi-Phased Project" means any Planning Priority Project implemented over more than one phase. The Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

"Municipal NPDES Permit" or **"MS4 Permit"** means the 'Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach MS4" (Order No. R4-2012-0175, NPDES Permit No. CAS004001), issued on November 08, 2012, issued by the California Regional Water Quality Control Board, Los Angeles Region and any successor permit to that permit.

"Municipal Separate Storm Sewer System (MS4)" or **"Municipal Storm Water System"** means a conveyance or system of conveyances (including roads with

drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer;
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. Section 122.2. (40 C.F.R. Section 122.26(b)(8)).

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA Section 307, 402, 318, and 405. The term includes an "approved program."

"Natural Drainage System" means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

"New Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

"NPDES Permit" means any waste discharge requirements issued by the California Regional Water Quality Control Board, Los Angeles Region or the State Water Resources Control Board as an NPDES Permit pursuant to Water Code Section 13370.

"Parking Lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of five thousand square feet or more of surface area, or with twenty-five or more parking spaces.

"Pollutant" means those pollutants defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to the following:

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
6. Substances having characteristics such as pH less than six or greater than nine, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

The term "pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility. The term "pollutant" also shall not include any substance identified in this definition, if through compliance with the Best Management Practices available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the Best Management Practices available.

"Planning Priority Project" mean a project that is required to incorporate appropriate storm water mitigation measures into the design plan for its respective project.

"Project" means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code Section 21 065).

"Rainfall Harvest and Use" means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department in conjunction with requirements of the County public health department.

"Receiving Water" means "water of the United States" into which waste and/or pollutants are or may be discharged.

"Redevelopment" means land-disturbing activity that results in the creation, addition or replacement of at least five thousand square feet of impervious surface area on an already developed site for all project categories except single family

residential projects. For existing single family dwelling and accessory structures, redevelopment is the creation, addition, or replacement of 10,000 square feet or more of impervious surface area. **"Redevelopment"** includes, but is not limited to, the following activities that meet the minimum standards set forth in this definition:

1. Expansion of a building footprint;
2. Addition or replacement of a structure;
3. Replacement of an impervious surface that is not part of a routine maintenance activity; and
4. Land disturbing activities related to structural or impervious surfaces. "Redevelopment" does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or an emergency redevelopment activity that is required to protect public health and safety.

"Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

"Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

"Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils.

"Routine Maintenance" includes, but is not limited to projects conducted:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Carry out road shoulder work, regrade dirt or gravel roadways and shoulders and perform ditch cleanouts.
4. Update existing lines¹ and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks Routine maintenance does not include construction of new^{2**} lines or facilities resulting from compliance with applicable codes, standards and regulations.

"Runoff" means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry

¹ Update existing lines includes replacing existing lines with new materials or pipes.

² New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated and nuisance flows.

"Significant Ecological Areas (SEAs)" means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas.

"Site" means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Source control BMP" means any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

"Standard Urban Storm Water Mitigation Plan" or **"SUSMP"** means the current version of the Standard Urban Storm Water Mitigation Plan approved by the regional board, and on file in the office of the city clerk of this city, and the NPDES Permit models that have been approved by the executive officer of the regional board for implementation to control storm water pollution from new development and redevelopment or any project that were authorized under a prior version (pre-2012) of the Municipal NPDES Permit.

"Storm Drain System" means any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourse that are used for the purpose of collecting, storing, transporting or disposing of storm water and are located within the City.

"Storm event" means a rainfall event that produces more than one-tenth inch of precipitation in twenty-four (24) hours unless specifically stated otherwise.

"Stormwater or Storm Water" means runoff and drainage related to precipitation events (pursuant to 40 C.F.R. Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995(No ~ 16, 1990)).

"Storm Water Runoff" or "Urban Runoff" means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial or industrial activities involving the use of potable and non-potable water. When all other factors are constant, runoff increases as the perviousness of a surface decreases.

"Storm Water Management Plan" means a plan which shall be required in connection with any new development or redevelopment for the purposes of construction erosion control, runoff detention to control runoff rate to predevelopment levels, and runoff retention or other treatment measures to prevent dry-weather pollution from entering the storm drain system.

"Storm water runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the MS4 or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g. canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.

"SUSMP" means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan

"Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment Control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

"Urban runoff" means surface water flow produced by nonstorm water resulting from residential, commercial, and industrial activities involving the use of potable and non-potable water.

8.28.030 – Responsibility for administration

This chapter shall be administered by the Public Works Director.

8.28.040 - PROHIBITED ACTIVITIES.

A. Illicit discharges and connections.

No person shall commence, establish, use, maintain, or continue any illicit connections to the MS4 or any illicit discharges to the MS4. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to, or after the effective date of this Chapter.

B. Littering:

No person shall throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

C. Disposal of Landscape Debris:

No person shall intentionally dispose of leaves, dirt or other landscape debris into a storm drain.

D. Industrial Activities:

No person shall conduct any industrial activity in the City without obtaining all permits required by state or federal law, including a NPDES general industrial activity storm water permit when required. Persons conducting industrial activities within the City should refer to the most recent edition of the "Industrial/Commercial Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force, for specific guidance on selecting best management

practices for reducing pollutants in storm water discharges from industrial activities.

E. Non-storm water discharges.

All non-storm water discharges into the MS4 are prohibited unless those flows are:

1. In compliance with a separate NPDES Permit;
2. Pursuant to a discharge exemption by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board;
3. Associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property);
4. Natural flows as defined in the Municipal NPDES Permit;
5. Conditionally exempt non-storm water discharges as defined in accordance with the Municipal NPDES Permit; or
6. Authorized as a temporary non-storm water discharge by USEPA pursuant to Sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act.

F. Prohibited discharges

Include, but are not limited to:

1. The discharge of wash waters to the MS4 from commercial auto washing or when gas stations, auto repair garages, or other type of automotive service facilities are cleaned;
2. The discharge of water to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
3. Discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid, or antifreeze, is undertaken;
4. Discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
5. Discharges of commercial/residential swimming pool filter backwash to the MS4;
6. Discharges of runoff from the washing of toxic materials from paved or unpaved areas to the MS4;
7. Discharges to the MS4 from washing impervious surfaces in industrial/commercial areas, unless specifically required by the State's, or the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;
8. Discharges to the MS4 from the washing out of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;
9. Discharges to the MS4 of any pesticide, fungicide, or herbicide banned by the US EPA or the California Department of Pesticide Regulation or a product registered under the Federal Insecticide, Fungicide and Rodenticide

Act to any waste stream that may ultimately be released to waters of the United State~ unless specifically authorized under an NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.

10. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

G. Discharges in violation of the Municipal NPDES Permit.

Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

G. Industrial Activities.

No person shall conduct any industrial activity in the city without obtaining all permits required by state or federal law, including a NPDES General Industrial Activities Storm Water Permit when required. Persons conducting industrial activities within the city shall refer to the most recent edition of the Industrial/Commercial Best Management Practices Handbook, produced and published by the Storm Water Quality Task Force, for specific guidance on selecting best management practices for reducing pollutants in storm water discharges from industrial activities.

8.28.060 - EXEMPTED DISCHARGES.

Discharges from those activities specifically identified in, or pursuant to, Part III.A.1-3 of the Municipal NPDES Permit as being exempted discharges, conditionally exempted discharges, or designated discharges shall not be considered a violation of this Chapter, provided that any such discharges are consistent with Part III.A of the Municipal NPDES Permit and:

- A. Applicable BMPs developed pursuant to the Municipal NPDES Permit are implemented to minimize any adverse impacts from such identified sources;
- B. The discharger meets all notification, reporting and recordkeeping requirements; and
- C. The discharger has conducted all applicable monitoring requirements.

8.28.080 - CONDITIONAL EXEMPTIONS FROM NON-STORM WATER DISCHARGE PROHIBITION.

The following categories of non-storm water discharges are conditionally exempt

from the non-storm water discharge Prohibition in the Municipal NPDES Permit and shall not be considered a violation of this chapter; provided that they meet all required conditions and BMPs as specified, or as otherwise approved by the Regional Board.

- A. Discharges from essential non-emergency fire fighting activities provided appropriate BMPs are implemented pursuant to the Municipal NPDES Permit;
- B. Discharges from drinking water supplier distribution systems, where not otherwise regulated by an individual or general NPDES permit, provided appropriate BMPs are implemented pursuant to the Municipal NPDES Permit;
- C. Discharges from foundation and footing drains;
- D. Water from crawl space or basement pumps;
- E. Hillside dewatering;
- F. Naturally occurring ground water seepage via a MS4; and
- G. Non-anthropogenic flows from a naturally occurring stream via a culvert MS4, as long as there are no contributions of anthropogenic runoff.

Conditionally exempt non-storm water discharges shall not cause or contribute to an exceedance of applicable receiving water limitations and/or water quality effluent limitations pursuant to the Municipal NPDES permit or Special Protections, or alter natural ocean water quality.

8.28.100 - GOOD HOUSEKEEPING PROVISIONS.

Owners and occupants of property within the city shall implement best management practices to prevent or reduce non-stormwater discharges and the discharge of pollutants to the municipal storm water system, natural drainage courses, the ASBS and receiving waters to the maximum extent practicable. Treatment and structural BMPs shall be properly operated and maintained to prevent the breeding of vectors. Implementation includes, but is not limited to:

- A. Chemical and Human Waste. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical, human, or septic waste to precipitation in an area where a discharge to city streets, the MS4, natural drainage courses, or receiving water may or does occur.
- B. Use of Water. Dry cleaning methods shall be used for outdoor areas before using cleaning methods that require water, as runoff is not permitted to leave the property. Sweeping and collection of debris is encouraged for trash disposal and cleaning outdoor areas.
- C. Storage of Materials. Machinery, and Equipment. Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to runoff, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4, natural drainage courses, or receiving waters.
- D. Removal and Disposal of Debris from Industrial/Commercial Motor Vehicle

Parking Lots. Industrial/commercial motor vehicle parking lots with more than twenty-five (25) parking spaces that are located in areas potentially exposed to storm water shall be swept regularly or other equally effective measures shall be utilized to remove debris from such parking lots.

- E. Food Wastes. Food wastes generated by nonresidential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the MS4, natural drainage courses, or receiving waters.
- F. Best Management Practices. Best management practices shall be used in areas susceptible to runoff for the removal and lawful disposal of pollutants.

8.28.120 - REQUIREMENTS FOR EXISTING PROPERTIES.

Owners and occupants of property within the City shall comply with the following requirements:

- A. Septic Waste. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where discharge to city streets or storm drains system may or does occur.
- B. Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of impervious areas shall be minimized to the maximum extent practicable and diverted so that flow is directed to landscaped areas for infiltration where possible.
- C. Storage of Materials, Machinery, and Equipment. Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that pollutants are not discharged to the municipal storm water system.
- D. Removal and Disposal of Debris and Residue and Other Materials.
 - 1. Non-residential motor vehicle parking lots with more than twenty five parking spaces that generate runoff shall be swept regularly or other equally effective measures will be utilized to remove oil, chemicals, debris or other polluting materials from such parking lots. Sweeping and collection of debris is encouraged for trash disposal.
 - 2. Food and liquid wastes generated by non-residential food service and food distribution sources shall be disposed of in a manner so such wastes are not discharged to the municipal storm water system.
 - 3. Best management practices shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.
- E. Maintenance of Structural BMPs. Structural BMPs required by the City, County of Los Angeles, or any state or federal agency shall be properly operated and maintained, as specified by an approved SUSMP or Storm Water Mitigation Plan, or otherwise determined by the Authorized

Enforcement Officer. Records and documentation of such maintenance shall be provided to the Director upon request.

8.28.140 - REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL AND CONSTRUCTION ACTIVITIES.

- A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general NPDES permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall comply with all requirements of such permit and the provisions of this Chapter. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such NPDES permit may be required in a form acceptable to the Authorized Enforcement Officer, or designated representative, prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

- B. Storm water runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the city and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy:
 - 1. Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable.
 - 2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
 - 3. Between October 1 and April 15, all excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.
 - 4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicle or equipment on the construction site is permitted to run off the construction site and enter the MS4.
 - 5. Trash receptacles shall be situated at convenient locations on construction sites and shall be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.
 - 6. Erosion from slopes and channels must be controlled through the

effective combination of best management practices.

- C. The owner or authorized representative of the owner shall certify in a form acceptable to the director or duly authorized representative that best management practices to control runoff from construction activity at all construction sites will be implemented prior to the issuance of any building or grading permit.
- D. A Local Storm Water Pollution Prevention Plan and Wet Weather Erosion Control Plan for construction activities shall be required by the director consistent with the Municipal NPDES Permit. Such plans must be submitted to the city for review and approval prior to the issuance of building or grading permits.
- E. A Storm Water Pollution Prevention Plan shall be required by the director consistent with the Municipal NPDES Permit and the General Construction Permit for those projects that have land disturbances of one acre or greater.

8.28.160 - LOW IMPACT DEVELOPMENT REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT.

A. Objective.

The provisions of this Section establish requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current MS4 Permit (Order No. R4-2012-0175), to lessen the water quality impacts of development by using smart growth practices, and integrate LID practices and standards for storm water pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.

B. Scope.

This Section contains requirements for storm water pollution control measures in Development and Redevelopment projects and authorizes the City to further define and adopt storm water pollution control measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.

C. Applicability.

This Section applies to the following New Development and Redevelopment Projects which are subject to City conditioning and approval for the design

and implementation of post-construction controls and other BMPs to mitigate storm water pollution, prior to completion of the project(s), as follows:

1 . New Development Projects.

- a. All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- b. Industrial parks with 10,000 square feet or more of surface area.
- c. Commercial malls with 10,000 square feet or more of surface area.
- d. Retail gasoline outlets with 5,000 square feet or more of surface area.
- e. Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- f. Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- g. Street and road construction of 10,000 square feet or more of impervious surface area shall follow the City's Green Streets Policy to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.
- h. Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) with 5,000 square feet or more of surface area.
- i. Projects located in or directly adjacent to, or discharging directly to an Significant Ecological Area (SEA), where the development will:
 1. Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and
 2. Create 2,500 square feet or more of impervious surface area
 - a. New single-family hillside homes.

2. Redevelopment Projects

- a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site for categories identified in C.1.
- b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, the entire project must be mitigated.
- c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, only the alteration must be mitigated, and not the entire development.
- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect

public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

D. LID Standards Manual.

The Director shall prepare, maintain, and update, as deemed necessary and appropriate, a manual ("LID Standards Manual"), which shall include urban and stormwater runoff quantity and quality control development principles and technologies for achieving compliance with the provisions of this Section. The LID Standards Manual shall also include technical feasibility and implementation parameters, as well as other rules, requirements, and procedures as the Director deems necessary, for implementing the provisions of this Chapter.

E. Specific Requirements.

1. New Single-Family Hillside Homes. To the extent that the City may lawfully impose conditions, mitigation measures or other requirements on the construction of new single-family hillside homes, new single-family hillside homes are exempt from the New Development/Redevelopment Project Performance Criteria of Part VI.D.7.c of the MS4 Permit but shall, include mitigation measures to:
 - a. Conserve natural areas;
 - b. Protect slopes and channels;
 - c. Provide storm drain system stenciling and signage;
 - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
2. Street and road construction of 10,000 square feet or more of impervious surface are exempt from the New Development/Redevelopment Project Performance Criteria of Part VI.D.7.c of the MS4 Permit but shall follow the City's Green Streets Policy to the maximum extent practicable.
3. New Development and Redevelopment Projects. Unless otherwise exempted in this Chapter or in the MS4 Permit, the site for every New Development and Redevelopment Project shall comply with Part VI. D. 7.c of the MS4 Permit and be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface

area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use in accordance with the requirements set forth in the MS4 Permit and the LID Standards Manual. The project applicant shall prepare and submit a Storm Water Mitigation Plan, which shall implement set LID standards and practices for storm water pollution mitigation consistent with this Chapter and the LID Standards Manual, to the Director for review and approval. The Storm Water Mitigation Plan shall provide documentation to demonstrate compliance with the MS4 Permit on the plans and permit application submitted to the City, and shall comply with the following:

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

F. Technical Infeasibility.

1. Some relief, as outlined later in this Section, from the MS4 Permit (Part VI.D.7.c) requirements may be granted for technical infeasibility. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:
 - b) The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - c) Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - d) Locations within 100 feet of a groundwater well used for drinking water;
 - e) Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - f) Locations with potential geotechnical hazards;
 - g) Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.

2. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the MS4 Permit (Order No. R4-2012-0175). Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the project Site. The applicant for the project should contact the Authorized Enforcement Officer to determine eligibility.
3. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required by the MS4 Permit. Flow through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - a) 0.2 inches per hour, or
 - b) The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

G. Exemptions from LID Requirements. The provisions of this Section do not apply to any of the following:

1. A Development involving only emergency Construction Activity required to immediately protect public health and safety;
2. Infrastructure projects within the public right-of-way, excluding street and road construction of 10,000 square feet or more of impervious surface;
3. A Development or Redevelopment involving only activity related to gas, water, cable, or electricity services on private property;
4. A Development or Redevelopment involving only resurfacing and/or restriping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;
5. A project not requiring a City building, grading, demolition or other permit for Construction Activity.

H. City Review and Approval.

Prior to the issuance of a permit for a New Development or Redevelopment Project, the City shall evaluate the proposed project using the MS4 Permit, and erosion and grading requirements of the City Building Official or Authorized Enforcement Officer to determine (i) its potential to generate the flow of Pollutants into the MS4 after construction; and (ii) how well the Storm Water Mitigation Plan for the proposed project meets the goals of this Chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State

Construction General Permit for the project, in order to minimize the flow of Pollutants into the MS4.

I. Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in this Section until the Authorized Enforcement Officer confirms that the project plans, including the Storm Water Mitigation Plan, comply with the applicable LID requirements of this Chapter. Where redevelopment results in an alteration to more than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

J. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of occupancy for a project subject to this Chapter, the Director shall require facility operators or owners to build all BMPs that are shown on the approved project plans and to submit an owner signed certification statement stating that the site and all LID BMPs will be maintained in compliance with the Storm Water Mitigation Plan and other applicable regulatory requirements.

L. Transfer of Properties Subject to Requirement for Maintenance of BMPs.

1. The transfer or lease of a property subject to a requirement for maintenance of BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing BMP, or (b) to replace an existing BMP with new control measures or BMPs meeting the then current standards of the City and the Municipal NPDES Permit. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all BMPs at least once a year and retain proof of inspection.
2. For residential properties where the LID BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&R's). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what storm water management facilities are present, signs that maintenance is needed, and

how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

3. If LID BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

8.28.180 - FEES.

Fees for plan reviews, inspections, violations, corrections, and tasks associated with this Chapter may be established by resolution of the City Council.

8.28.200 - ENFORCEMENT.

A. Violations Deemed a Public Nuisance.

1. A violation of any provision of this Chapter is declared to be a public nuisance, and the City Attorney is authorized to abate such violation by means of a civil action in addition to whatever other remedies are available to the City under this code and other applicable laws, rules or regulations. Additionally, the following conditions shall be considered a public nuisance:

- a. Any failure to comply with any applicable requirement of this Chapter or the Municipal NPDES Permit; or
- b. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
- c. Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved Storm Water Mitigation Plan or an approved SUSMP or approved SWPPP (storm water pollution prevent plan or similar type of approved water quality improvement plan, this Chapter, or the Municipal NPDES Permit.

3. The above listed conditions are hereby determined to be a threat to the public health, safety and welfare, are declared and deemed a public nuisance, and may be abated or restored by any Authorized Enforcement Officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the City Attorney.

4. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs. If any violation of this Chapter constitutes a seasonal and recurrent nuisance, the Authorized Enforcement Officer shall so declare. The failure of any person to take appropriate annual precautions to prevent storm

water pollution after written notice of a determination under this Section shall constitute a public nuisance and a violation of this Chapter.

B. Inspections.

1. Whenever necessary to make an inspection to enforce any of the provisions of this Section, or whenever an Authorized Enforcement Officer has reasonable cause to believe that there exists on any construction site any condition which constitutes a violation of the provisions of this Section, the Authorized Enforcement Officer may, upon consent or upon obtaining an inspection warrant, enter such construction site at all reasonable times to inspect the same or perform any duty imposed upon the Officer by this Section.
2. Routine or area inspections shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this Chapter, including, but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, discharges of nonstorm water to the MS4, discharges which are not pursuant to an NPDES permit, or similar factors.
3. Right to Inspect. Prior to commencing any inspection as herein below authorized, the Authorized Enforcement Officer shall obtain either the consent of the owner, his/her authorized representative or the occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.
4. Entry to Inspect. The Authorized Enforcement Officer may enter property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or any other part of the MS4 located within the jurisdiction of the City.
5. Compliance Assessments. The Authorized Enforcement Officer may inspect property for the purpose of verifying compliance with this Chapter, including but not limited to (a) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; (b) identifying point(s) of discharge of all wastewater, process water systems and pollutants; (c) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems; (d) establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system; (e) locating any illicit connection or the source of prohibited discharge; (f) evaluating compliance with any permit issued relating to a discharge to the storm water drainage system.
6. Portable Equipment. For purposes of verifying compliance with this Chapter, the Authorized Enforcement Officer may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.
7. Records Review. The Authorized Enforcement Officer may inspect all records of the owner or occupant of property relating to chemicals or

processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, storm water pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, or any other source of contribution or potential contribution of pollutants to the storm water drainage system.

8. **Sample and Test.** The Authorized Enforcement Officer may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the storm water drainage system. The Authorized Enforcement Officer may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. The Authorized Enforcement Officer may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.
9. **Monitoring.** The Authorized Enforcement Officer may erect and maintain monitoring devices for the purpose of measuring or sampling any discharge or potential source of discharge to the storm water drainage system.
10. **Test Results.** The owner or occupant of property subject to inspection shall, on submission of a written request, receive copies of all monitoring and test results conducted by the Authorized Enforcement Officer.

B. Concealment.

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation of such provision.

C. Civil Actions.

In addition to any other remedies provided in this Section, any violation of this Section may be enforced by civil action brought by the City. In any such action, the City may seek, and the court shall grant, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction.
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation.

4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

D. Administrative Enforcement Powers.

In addition to the other enforcement powers and remedies established by this Chapter, any Authorized Enforcement Officer has the authority to utilize the following administrative remedies:

1. Cease and Desist Orders. When an Authorized Enforcement Officer finds that a discharge has taken place or is likely to take place in violation of this Chapter, the Officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement, (b) comply with a time schedule for compliance, and (c) take appropriate remedial or preventive action to prevent the violation from recurring.
2. Notice to Clean. Whenever an Authorized Enforcement Officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the municipal storm drain system or a non-storm water discharge to the storm drain system, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

E. Penalties.

Violation of this Section shall be punishable as provided in Chapter 1.16 of Article 1 of this Code. Each day that a violation continues shall constitute a separate offense.

F. Permit Revocation.

To the extent the City makes a provision of this Chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

G. Remedies.

Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive."

H. Authority to Conduct Samplings and Establishing Sampling Devices.

With the consent of the owner or occupant or pursuant to an inspection warrant, any authorized enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determining the concentrations of pollutants in stormwater and/or non-stormwater runoff. The inspections provided for herein may include but are not limited to:

1. Inspecting efficiency or adequacy of construction or post construction BMPs;
2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and or treatment system discharges;
3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;
4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary;
5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

8.28.220 - NO TAKING.

The provisions of this Article will not be construed or operated to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED AND ADOPTED, this 24th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

RESOLUTION NO. 2015-1467

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING A GREEN STREETS POLICY.

WHEREAS, on November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (hereinafter "Regional Board") adopted Order No. R4-2012- 0175, NPDES Permit No. CAS 004001, the Municipal Separate Storm Sewer Permit for Los Angeles County (hereinafter "MS4 Permit);

WHEREAS, among other things, the MS4 Permit requires the City of Calabasas (hereinafter "City") and other MS4 permittees to adopt a "Green Streets" policy to reduce stormwater runoff discharges from municipal and private streets to receiving waters;

WHEREAS, Green Streets are enhancements to street and road projects to improve the quality of storm water and urban runoff through the implementation of infiltration measures such as bioretention and infiltration trenches, dry wells, permeable pavement, bio-treatment/infiltration measures such as flow-through planters and vegetated swales, treatment Best Management Practices ("BMPs") such as catch basin filters and screens, drought-tolerant landscaped parkways, and tree-lined streets.

WHEREAS, this Resolution and the United States Environmental Protection Agency's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets* (December 2008 EPA-833-F-08-009) shall collectively serve as the City's Green Streets Policy.

NOW, THEREFORE, the City Council of the City of Calabasas, California, hereby determines, finds and resolves as follows:

Section 1. The City Council hereby adopts, as its Green Streets Policy, this Resolution and the United States Environmental Protection Agency's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets* (December 2008 EPA-833-F-08-009) as shown in Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2. The City Council hereby directs the Director of Public Works to implement, to the maximum extent practicable, Green Streets for City-owned transportation corridors and road projects that add 10,000 square feet or more of impervious area, consistent with the City's Green Streets Policy.

Section 3. The Director of Public Works shall consider opportunities to implement Green Streets BMPs and to replenish groundwater, create attractive streetscapes,

create parks and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and capital improvement projects ("CIPs").

Section 4. Routine maintenance including but not limited to slurry seals, grind and overlay and reconstruction to maintain original line and grade are excluded from the City's Green Streets Policy.

Section 5. The Director of Public Works is authorized to make non-substantive changes to the City's Green Streets Policy consistent with the requirements of the MS4 Permit.

Section 6. The Director of Public Works, or his or her designee, shall prepare, maintain, and update, as necessary and appropriate, a list of minimum requirements for Green Streets BMPs.

Section 7. The Director of Public Works shall periodically evaluate the effectiveness of Green Streets BMPs.

Section 8. The City Council hereby determines that the public interest and necessity justify the adoption of the Green Streets Policy.

Section 9. The adoption of this Resolution and the timing thereof is mandated by the action of the Regional Board. In this case, the City is acting at the direction of the Regional Board and federal law to protect, maintain, restore and enhance natural resources and the environment. To comply with the requirements of the Regional Board, the City Council determines that the Green Streets Policy will not have a significant effect on the environment, and finds that the adoption of this Resolution is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15307 and 15308.

That 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 10th date of June, 2015.

ATTEST:

Lucy M. Martin, Mayor

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

Exhibit A



MANAGING WET WEATHER WITH
GREEN INFRASTRUCTURE

MUNICIPAL HANDBOOK

GREEN STREETS

Managing Wet Weather with Green Infrastructure

Municipal Handbook

Green Streets

prepared by

Robb Lukes
Christopher Kloss
Low Impact Development Center

The Municipal Handbook is a series of documents to help local officials implement green infrastructure in their communities.

December 2008



EPA-833-F-08-009



Front Cover Photos

Top: rain garden; permeable pavers; rain barrel; planter; tree boxes.
Large photo: green alley in Chicago



Green Streets

Introduction

By design and function, urban areas are covered with impervious surfaces: roofs, roads, sidewalks, and parking lots. Although all contribute to stormwater runoff, the effects and necessary mitigation of the various types of surfaces can vary significantly. Of these, roads and travel surfaces present perhaps the largest urban pollution sources and also one of the greatest opportunities for green infrastructure use.

The Federal Highway Administration (FHA) estimates that more than 20% of U.S. roads are in urban areas.¹ Urban roads, along with sidewalks and parking lots, are estimated to constitute almost two-thirds of the total impervious cover and contribute a similar ratio of runoff.² While a significant source of runoff, roads are also a part of the infrastructure system, conveying stormwater along gutters to inlets and the buried pipe network. Effective road drainage, translated as moving stormwater into the conveyance system quickly, has been a design priority while opportunities for enhanced environmental management have been overlooked especially in the urban environment.

Table 1. Examples of Stormwater Pollutants Typical of Roads.^{3,4}

Pollutant	Source	Effects
Trash	---	Physical damage to aquatic animals and fish, release of poisonous substances
Sediment/solids	Construction, unpaved areas	Increased turbidity, increased transport of soil bound pollutants, negative effects on aquatic organisms reproduction and function
Metals • Copper • Zinc • Lead • Arsenic	<ul style="list-style-type: none"> • Vehicle brake pads • Vehicle tires, motor oil • Vehicle emissions and engines • Vehicle emissions, brake linings, automotive fluids 	Toxic to aquatic organisms and can accumulate in sediments and fish tissues
Organics associated with petroleum (e.g., PAHs)	Vehicle emissions, automotive fluids, gas stations	Toxic to aquatic organisms
Nutrients	Vehicle emissions, atmospheric deposition	Promotes eutrophication and depleted dissolved oxygen concentrations

The altered flow regime from traditional roadways, increased runoff volume, more frequent runoff events, and high runoff peak flows, are damaging to the environment and a risk to property downstream. These erosive flows in receiving streams will cause down cutting and channel shifting in some places and excessive sedimentation in others. The unnatural flow regime destroys stream habitat and disrupts aquatic systems.

Compounding the deliberate rapid conveyance of stormwater, roads also are prime collection sites for pollutants. Because roads are a component of the stormwater conveyance system, are impacted by atmospheric deposition, and exposed to vehicles, they collect a wide suite of pollutants and deliver them into the conveyance system and ultimately receiving streams (See Table 1). The metals, combustion by-products, and automotive fluids from vehicles can present a toxic mix that combines with the ubiquitous nutrients, trash, and suspended solids.

While other impervious surfaces can be replaced, for example using green roofs to decrease the amount of impervious roof surface, for the most part, impervious roads will, for some time to come, constitute a significant percentage of urban imperviousness because of their current widespread existence.

Reducing road widths and other strategies to limit the amount of impervious surface are critical, but truly addressing road runoff requires mitigating its effects.

Green Streets achieve multiple benefits, such as improved water quality and more livable communities, through the integration of stormwater treatment techniques which use natural processes and landscaping.

Roads present many opportunities for green infrastructure application. One principle of green infrastructure involves reducing and treating stormwater close to its source. Urban transportation right-of-ways integrated with green techniques are often called “green streets”. Green streets provide a source control for a main contributor of stormwater runoff and pollutant load. In addition, green infrastructure approaches complement street facility upgrades, street aesthetic improvements, and urban tree canopy efforts that also make use of the right-of-way and allow it to achieve multiple goals and benefits. Using the right-of-way for treatment also links green with gray infrastructure by making use of the engineered conveyance of roads and providing connections to conveyance systems when needed.

Green streets are beneficial for new road construction and retrofits. They can provide substantial economic benefits when used in transportation applications. Billions of dollars are spent annually on road construction and rehabilitation, with a large percentage focused on rehabilitation especially in urban areas. Coordinating green infrastructure installation with broader transportation improvements can significantly reduce the marginal cost of stormwater management by including it within larger infrastructure improvements. Also, and not unimportantly, right-of-way installations allow for easy public maintenance. A large municipal concern regarding green infrastructure use is maintenance; using roads and right-of-ways as locations for green infrastructure not only addresses a significant pollutant source, but also alleviates access and maintenance concerns by using public space.

In urban areas, roads present many opportunities for coordinated green infrastructure use. Some municipalities are capitalizing on the benefits gained by introducing green infrastructure in transportation applications. This paper will evaluate programs and policies that have been used to successfully integrate green infrastructure into roads and right-of-ways.

Green Street Designs

Green streets can incorporate a wide variety of design elements including street trees, permeable pavements, bioretention, and swales. Although the design and appearance of green streets will vary, the functional goals are the same: provide source control of stormwater, limit its transport and pollutant conveyance to the collection system, restore predevelopment hydrology to the extent possible, and provide environmentally enhanced roads. Successful application of green techniques will encourage soil and vegetation contact and infiltration and retention of stormwater.

Alternative Street Designs (Street Widths)

A green street design begins before any BMPs are considered. When building a new street or streets, the layout and street network must be planned to respect the existing hydrologic functions of the land (preserve wetlands, buffers, high-permeability soils, etc.) and to minimize the impervious area. If retrofitting or redeveloping a street, opportunities to eliminate unnecessary impervious area should be explored.

Implementation Hurdles

Many urban and suburban streets, sized to meet code requirements for emergency service vehicles and provide a free flow of traffic, are oversized for their typical everyday functions. The Uniform Fire Code requires that streets have a *minimum 20 feet of unobstructed width*; a street with parking on both sides would require a width of at least 34 feet. In addition to stormwater concerns, wide streets have many detrimental implications on neighborhood livability, traffic conditions, and pedestrian safety.⁵

Oregon State Code Granting Authority for Street Standards to Local Government

ORS 92.044 - Local governments shall *supersede and prevail over any specifications and standards for roads and streets set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency...* Local governments shall consider the needs of the fire department or fire-fighting agency when adopting the final specifications and standards.

The Transportation Growth and Management Program of Oregon, through a Stakeholder Design Team, developed a guide for reducing street widths titled the *Neighborhood Street Design Guidelines*.⁶ The document provides a helpful framework for cities to conduct an inclusive review of street design profiles with the goal of reducing widths. Solutions for accommodating emergency vehicles while minimizing street widths are described in the document. They include alternative street parking configurations, vehicle pullout space, connected street networks, prohibiting parking near intersections, and smaller block lengths.



Figure 1. The street-side swale and adjacent porous concrete sidewalk are located in the High Point neighborhood of Seattle, WA
(Source: Abby Hall, US EPA).

In 1997, Oregon, which has adopted the *Uniform Fire Code*, specifically granted local government the authority to establish alternative street design standards but requires them to consult with fire departments before standards are adopted. Table 2 provides examples of alternative street widths allowed in U.S. jurisdictions.⁷

Swales

Swales are vegetated open channels designed to accept sheet flow runoff and convey it in broad shallow flow. The intent of swales is to reduce stormwater volume through infiltration, improve water quality through vegetative and soil filtration, and reduce flow velocity by increasing channel roughness. In the simple roadside grassed form, they have been a common historical

component of road design. Additional benefit can be attained through more complex forms of swales, such as those with amended soils, bioretention soils, gravel storage areas, underdrains, weirs, and thick diverse vegetation.

Implementation Hurdles

There is a common misconception of open channel drainage being at the bottom of a street development hierarchy in which curb and gutter are at the top. Seattle's Street Edge Alternative Project and other natural drainage swale pilot projects have demonstrated that urban swales not only mitigate stormwater impacts, but they can also enhance the urban environment.⁸

Table 2. Examples of Alternative Street Widths

Jurisdiction	Street Width	Parking Condition
Phoenix, AZ	28'	parking both sides
Santa Rosa, CA	30'	parking both sides, <1000ADT
	26'-28'	parking one side
	20'	no parking
	20'	neck downs @ intersection
Orlando, FL	28'	parking both sides, res. Lots<55' wide
	22'	parking both sides, res. Lots>55' wide
Birmingham, MI	26'	parking both sides
	20'	parking one side
Howard County, MD	24'	parking unregulated
Kirkland, WA	12'	alley
	20'	parking one side
	24'	parking both sides – low density only
	28'	parking both sides
Madison, WI	27'	parking both sides, <3DU/AC
	28'	parking both sides, 3-10 DU/AC

ADT: Average Daily Traffic

DU/AC: dwelling units per acre

Bioretention Curb Extensions and Sidewalk Planters

Bioretention is a versatile green street strategy. Bioretention features can be tree boxes taking runoff from the street, indistinguishable from conventional tree boxes. Bioretention features can also be attractive attention grabbing planter boxes or curb extensions. Many natural processes occur within bioretention cells: infiltration and storage reduces runoff volumes and attenuates peak flows; biological and chemical reactions occur in the mulch, soil matrix, and root zone; and stormwater is filtered through vegetation and soil.

Implementation Hurdles

A few municipal DOT programs have instituted green street requirements in roadway projects, but as of yet, specifications for street bioretention have not yet been incorporated into municipal DOT specifications. Many cities do have street bioretention pilot projects; two of the well documented programs are noted in the table. Several concerns and considerations have prevented standard implementation of bioretention by DOTs.



Figure 2. This bioretention area takes runoff from the street through a trench drain in the sidewalk as well as runoff from the sidewalk through curb cuts
(Source: Abby Hall, US EPA).

Table 3. Municipalities with Swale Specifications and Standard Details

Municipality	Document	Section Title	Section #
City of Austin ⁹	Standard Specifications and Standard Details	Grass-Lined Swale and Grass-Lined Swale with Stone Center	627S
City of Seattle ¹⁰	2008 Standard Specifications for Municipal Construction	Natural Drainage Systems	7-21

Table 4. Municipalities with Bioretention Pilot Projects in the Right-of-Way

Municipality	Bioretention Type	Document
Maplewood, MN	Rain gardens	<i>Implementing Rainwater in Urban Stormwater Management</i> ¹¹
Portland, OR	<ul style="list-style-type: none"> • Curb extensions • Planters • Rain gardens 	<i>2006 Stormwater Management Facility Monitoring Report</i> ¹²

The diversity of shapes, sizes, and layouts bioretention can take is a significant obstacle to their incorporation with DOT specifications and standards. Street configurations, topography, soil conditions, and space availability are some of the factors that will influence the design of the bioretention facility. These variables make documentation of each new bioretention project all the more important. By building a menu of templates from local bioretention projects, future projects with similar conditions will be easier to implement and cost less to design. The documentation should include copies of the details and specifications for the materials used. A section on construction and operation issues, costs, lessons learned, and recommendations for similar designs should also be included in project documentation. Portland’s Bureau of Environmental Services has proven adept at documenting each of its Green Streets projects and making them accessible online.¹³

Utilities are a chief constraint to implementing bioretention as a retrofit in urban areas. The Prince George’s County, MD Bioretention Design Specifications and Criteria manual recommends applying the same clearance criteria recommended for storm drainage pipes.¹⁴ Municipal design standards should specify the appropriate clearance from bioretention or allowable traversing.

Prince George’s County, MD - 2.12.1.16 Utility Clearance

Utility clearances that apply to storm drainage pipe and structure placement also apply to bioretention. Standard utility clearances for storm drainage pipes have been established at 1’ vertical and 5’ horizontal. However, bioretention systems are shallow, non-structural IMP’s consisting of mostly plant and soil components, (often) with a flexible underdrain discharge pipe. For this reason, other utilities may traverse a bioretention facility without adverse impact. Conduits and other utility lines may cross through the facility but construction and maintenance operations must include safeguard provisions. In some instances, bioretention could be utilized where utility conflicts would make structural BMP applications impractical.

Plants are another common concern of municipal staff, whether it is maintenance, salt tolerance, or plant height with regard to safety and security. Cities actively implementing LID practices in public spaces maintain lists of plants which fit the vegetated stormwater management practice niche. These are plants that flourish in the regional climate conditions, are adapted to periodic flooding, are low maintenance, and, if in cold climates, salt tolerant. Most often these plants are natives, but sometimes an approved non-native will best fit necessary criteria. A municipal plant list should be periodically updated based on maintenance experience, and vegetation health surveys.

Permeable Pavement

Permeable pavement comes in four forms: permeable concrete, permeable asphalt, permeable interlocking concrete pavers, and grid pavers. Permeable concrete and asphalt are similar to their impervious counterparts but are open graded or have reduced fines and typically have a special binder added. Methods for pouring, setting, and curing these permeable pavements also differ from the impervious versions. The concrete and grid pavers are modular systems. Concrete pavers are installed with gaps between them that allow water to pass through to the base. Grid pavers are typically a durable plastic matrix that can be filled with gravel or vegetation. All of the permeable pavement systems have an aggregate base in common which provides structural support, runoff storage, and pollutant removal through filtering and adsorption. Aside from a rougher unfinished surface, permeable concrete and asphalt look very similar to their impervious versions. Permeable concrete and asphalt and certain permeable concrete pavers are ADA compliant.

Implementation Hurdles

Of all the green streets practices, municipal DOTs have been arguably most cautious about implementing permeable pavements, though it should be noted that some DOTs have, for decades, specified open-graded asphalt for low use roadways because of lower cost; to minimize vehicle hydroplaning; and to reduce road noise. The reticence to implement on a large-scale, however, is understandable given the lack of predictability and experience behind impervious pavements. However, improved technology, new and ongoing research, and a growing number of pilot projects are dispelling common myths about permeable pavements.



Figure 3. Permeable pavers used in the roadway of a neighborhood development in Wilsonville, OR
(Source: Abby Hall, US EPA).

The greatest concern among DOT staff seems to be a perceived lack of long-term performance and maintenance data. Universities and DOTs began experimenting with permeable pavements in parking lots, maintenance yards, and pedestrian areas as early as twenty years ago in the U.S., even earlier in Europe. There is now a wealth of data on permeable pavements successfully used for these purposes in nearly every climate region of the country. In recent years, the cities of Portland, OR, Seattle, WA, and Waterford, CT and several private developments have constructed permeable pavement pilots within the roadway with positive results.

The two typical maintenance activities are periodic sweeping and vacuuming. The City of Olympia, WA has experimented with several methods of clearing debris from permeable concrete sidewalks. Each of the methods was evaluated on the ease of use, debris removal, and the performance pace. The cost analysis by Olympia, WA found that the maintenance cost for permeable pavement was still lower than the traditional pavement when the cost of stormwater management was considered.

Permeable pavement concerns in the roadway often raise concerns of safety, maintenance, and durability. Municipalities can replace impervious surfaces in other non-critical areas such as sidewalks, alleys, and municipal parking lots. These types of applications help municipalities build experience and a market for the technology.

Table 5. Municipalities with Permeable Pavement Specifications and Standard Details

Municipality	Document	Section Title	Section #
Portland	2007 Standard Construction Specifications	Unit Pavers (includes permeable pavers)	00760
Olympia	WSDOT Specification	Permeable Concrete Sidewalks	8-30

Freeze/thaw and snow plows are the major concerns for permeable pavements in cold climate communities. However, these concerns have proven to be generally unwarranted when appropriate design and maintenance practices are employed. A well designed permeable pavement structure will always drain and never freeze solid. The air voids in the pavement allow plenty of space for moisture to freeze and ice crystals to expand. Also, rapid drainage through the pavement eliminates the occurrence of freezing puddles and black ice. Cold climate municipalities will need to make adjustments to snow plowing and deicing programs for permeable pavement areas. Snow plow blades must be raised enough to prevent scraping the surface of permeable pavements, particularly paver systems. Also, sand should not be applied.

Table 6. A Study in Olympia, WA Comparison of the cost of permeable concrete sidewalks to the cost of traditional impervious sidewalks¹⁵

Traditional Concrete Sidewalk		Permeable Concrete Sidewalk	
Construction Cost	Maintenance Cost	Construction Cost	Maintenance Cost
\$5,003,000*	\$156,000	\$2,615,000*	\$147,000
Total = \$5,159,000		Total = \$2,762,000	
\$101.16 per square yard		\$54.16 per square yard	

*The cost of stormwater management (stormwater pond) for the added impervious surface is factored into the significantly higher cost of constructing the traditional concrete sidewalk. Maintenance of the stormwater pond is also factored into the traditional concrete sidewalk maintenance cost.

Sidewalk trees and tree boxes

From reducing the urban heat island effect and reducing stormwater run off to improving the urban aesthetic and improving air quality, much is expected of street trees. Street trees are even good for the economy. Customers spend 12% more in shops on streets lined with trees than on those without trees.¹⁶

However, most often street trees are given very little space to grow in often inhospitable environments. The soil around street trees often becomes compacted during the construction of paved surfaces and minimized as underground utilities encroach on root space. If tree roots are surrounded by compacted soils or are deprived of air and water by impervious streets and sidewalks, their growth will be stunted, their health will decline, and their expected life span will be cut short.

By providing a adequate soil volume and a good soil mixture, the benefits obtained from a street tree multiply. To obtain a healthy soil volume, trees can simply be provided larger tree boxes, or structural soils, root paths, or “silva cells” can be used under sidewalks or other paved areas to expand root zones. These allow tree roots the space they need to grow to full size. This increases the health of the tree and provides the benefits of a mature sized tree, such as shade and air quality benefits, sooner than a tree with confined root space.



Figure 4. Trees planted at the same time but with different soil volumes, Washington DC
(Source: Casey Trees)

Table 7. Healthy Tree Volume and Permeable Pavement Specifications and Standard Details

Jurisdictions	Minimum Soil Volume	Section Title	Section #
Prince William County, VA	Large tree	970 cf	Design Construction Manual (Sec 800)
	Medium tree	750 cf	
	Small tree	500 cf	
Alexandria, VA		300 cf	Landscape Guidelines II.B.(2)

Implementation Hurdles

Providing an adequate root volume for trees comes down to a trade off between space in the right-of-way and added construction costs. The least expensive way to obtain the volume needed for roots to grow to full size is providing adequate space unhindered by utilities or other encroachments. However, it is often hard to reserve space dedicated just to street trees in an urban right-of-way with so many other uses competing for the room they need. As a result, some creative solutions, though they cost more to install, have become useful alternatives in crowded subsurface space. Structural soils, root paths, and “silva cells” leave void space for roots and still allow sidewalks to be constructed near trees.

Root Paths can be used to increase tree root volume by connecting a small tree root volume with a larger subsurface volume nearby. A tunnel-like system extends from the tree underneath a sidewalk and connects to an open space on the other side.

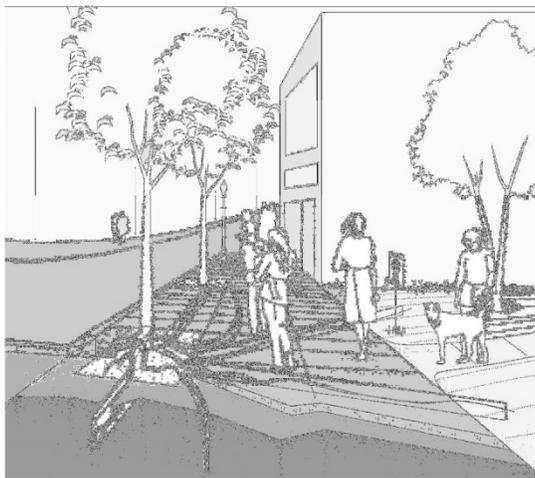


Figure 5. Root Paths direct tree roots under paving and into better soil areas for tree root growth
(Source: Arlington County, VA).

Silva Cells¹⁷ are another option for supporting sidewalks near trees while still providing enough space for roots to grow. These plastic milk crate-like frames fit together and act as a supporting structure for a sidewalk while leaving room for uncompacted soil and roots inside the frame.

Permeable pavement sidewalks are another enhancement to the root space. They provide moisture and air to roots under sidewalks. Soils under permeable pavements can still become compacted. Structural soils¹⁸ are a good companion tree planting practice to permeable pavement. When planting a tree in structural soils an adequate tree root volume is excavated and filled with a mix of stone and soil that still provides void space for healthy roots and allows for sidewalks, plazas or other paved surfaces to be constructed over them.

Case Studies

Portland, OR: Green Street Pilot Projects

Portland, Oregon is a national leader in developing green infrastructure. Portland's innovation in stormwater management was necessitated by the need to satisfy a Combined Sewer Overflow consent decree, Safe Drinking Water Act requirements, impending Total Maximum Daily Load limitations, Superfund cleanup measures and basement flooding. Through the 1990s, over 3 billion gallons of combined sewer overflow discharged to the Willamette River every year.¹⁹ All of these factors plus leadership and local desires to create green solutions and industries compelled the city to implement green infrastructure as a complement to adding capacity to the sewer system with large pipe overflow interceptors. Despite gaps in long-term performance data, Portland took a proactive approach in implementing green infrastructure pilot projects.

Portland's green infrastructure pilot projects have their roots in the city's 2001 Sustainable Infrastructure Committee. The committee, consisting of representatives from Portland's three infrastructure management Bureaus, documented the city's ongoing efforts toward sustainable infrastructure, gathered research on green infrastructure projects from around the country, and identified opportunities for local pilots.^{20, 21, 22}



Figure 6. Silva cell structures support the sidewalk while providing root space for street trees
(Source: Deep Root Partners, LP).

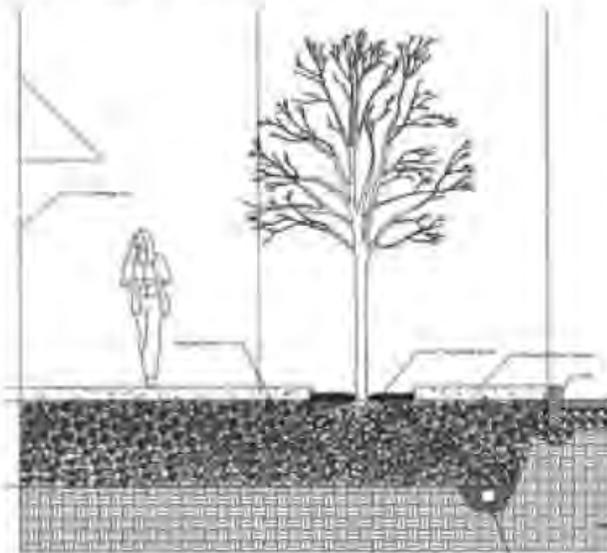


Figure 7. Structural soils provide void space for root growth and load-bearing for sidewalk
(Source: Urban Horticulture Institute, Cornell University).

One of the Bureau of Environmental Services' (BES) earliest green infrastructure retrofit projects within the right-of-way was a set of two stormwater curb extensions on NE Siskiyou Street. Portland had been retrofitting many streets with curb extensions for the purpose of pedestrian safety, but this was the first done for the purpose of treating street runoff. In a simulated 25-year storm event flow test, the curb extensions captured 85% of the runoff volume that would be discharged to the combined sewer system and reduced peak flow by 88%.²³

Between 2003 and 2007, Portland designed and implemented a variety of Green Street pilots. Funding sources for these projects have come from BES, Portland Department of Transportation, U.S. EPA, and an Innovative Wet Weather Fund. BES combined funds with an EPA grant to create the Innovative Wet Weather Fund. In 2004, nearly \$3 million from the Innovative Wet Weather Fund was budgeted for a long list of projects from city green roofs, public-private projects, and a number of pilot projects within the right-of-way.²⁴ Several pilots have been cost competitive with or less costly than conventional upgrades. The Bureau recognizes that costs will decrease once these projects become more routine. Many of the pilot project costs included one time costs such as the development of outreach materials and standard drawings.



Figure 8: NE Siskiyou Vegetated Curb Extensions
 Source: City of Portland – Bureau of Environmental Services

Table 8. Portland, OR - Green Street Pilot Projects

Location	Design	Year Completed	Cost
NE Siskiyou b/w NE 35 th Pl. and NE 36 th Ave	Stormwater curb extension	2003	\$20,000
3 blocks of the Westmoreland Neighborhood	Permeable Pavers in parking lanes and curb to curb	2004	\$412,000
SE Ankeny b/w SE 56 th and SE 57 th Ave.	Stormwater curb extensions	2004	\$11,946
NE Fremont b/w NE 131st and 132 nd Av	Stormwater curb extension	2005	\$20,400
SW 12 th Ave b/w SW Montgomery and Mill	Stormwater planters	2005	\$34,850
East Holladay Park	Pervious paver parking lot	2005	\$165,000
4 blocks of North Gay Avenue b/w N Wygant and N Sumner	Porous concrete in curb lanes and curb to curb; porous asphalt in curb lanes and curb to curb	2005	--
SW Texas	Stormwater wetlands and swales	2007	\$2.3 million
Division St. – New Seasons Market	Stormwater planters and swales	--	--
SE Tibbetts and SE 21 st Ave.	Stormwater curb extension and planters	--	--

Source: Portland Bureau of Environmental Services, 2008
<http://www.portlandonline.com/bes/index.cfm?c=44463&>

Each of the pilot projects have been well documented by BES. A consistent format has been used to describe pilot background, features, engineering design, landscaping, project costs, maintenance, monitoring, and, most importantly, lessons learned. These case studies as well as other Green Street documentation can be found on BES's Sustainable Stormwater webpage, <http://www.portlandonline.com/BES/index.cfm?c=34598>. Due to physical factors (drainage, slope, soil, existing utilities, multiple uses) and development factors (retrofit, redevelopment, and new construction), there will be many variations on Green Streets. As part of the program, a continually updated Green Street Profile Notebook will catalog the successful green street projects. Users can use the Notebook for permitting guidance, to identify green streets facilities appropriate for various factors, but the document is not a technical document with standard details.

The Green Streets Team

The City of Portland, OR is widely acknowledged for long term, forward thinking, and comprehensive transportation and environmental planning. Portland recognized the fact that 66% of the City’s total runoff is collected from streets and the right-of-way.²⁵ The city also saw the potential for transportation corridors to meet multiple objectives, including:

- Comprehensively address numerous City goals for neighborhood livability, sustainable development, increased green spaces, stormwater management, and groundwater protection;
- Integrate infrastructure functions by creating “linear parks” along streets that provide both pedestrian/bike areas and stormwater management;
- Avoid the key impacts of unmanaged stormwater whereby surface waterbodies are degraded, and water quality suffers;
- Manage stormwater with investments citizens can support, participate in, and see;
- Manage stormwater as a resource, rather than a waste;
- Protect pipe infrastructure investments (extend the life of pipe infrastructure, limit the additional demand on the combined sewer system as development occurs);
- Protect wellhead areas by managing stormwater on the surface; and
- Provide increased neighborhood amenities and value.

In a two phased process from 2005 to 2007, the Green Streets Team, a cross agency and interdisciplinary team, developed a comprehensive green streets policy and a way forward for the green streets agenda. Phase 1 identified challenges and issues and began a process for addressing them. Barriers to the public initiation of green street projects included a code and standards that would disallow or discourage green street strategies, long term performance unknowns, and maintenance responsibilities. To address these barriers, the Green Streets Team organized into subgroups focusing on outreach, technical guidance, infrastructure, maintenance, and resources.

Phase 2 of the Green Streets project synthesized the opportunities and solutions identified in Phase 1 into a citywide Green Streets Program. The first priority for this phase was the drafting of a binding citywide policy. The resolution was adopted by the Portland City Council in March 2007.

Prior to the start of the Portland effort, 90% of implemented green street projects were issued by private permits rather than city initiated projects.

Six Approaches to Implementing Green Streets	
Pathway	Implementation
City-initiated street improvement projects	City designs, manages, maintains
City-initiated stormwater retrofits	City designs, manages, maintains
Neighborhood-initiated LIDs	
Developer-initiated subdivisions with public streets	Developer designs and builds via City permit and review process, then turns over new right of way to the City after warranty period
Developer-initiated subdivisions with private streets	Developer designs and builds via City permit and review process, and turns over to home-owner association
Developer-related initiated frontage improvements on existing public streets	Developer designs and builds new sidewalks and curbs via City permit and review process, usually because the City required it via a building permit or via a land division

Source: Portland Green Streets, Phase 1

Portland City Council Approved Green Streets Policy

Goal: City of Portland will promote and incorporate the use of green street facilities in public and private development.

City elected officials and staff will:

1. Infrastructure Projects in the Right of Way:

- a. Incorporate green street facilities into all City of Portland funded development, redevelopment or enhancement projects as required by the City's September 2004 (or updated) Stormwater Management Manual. Maintain these facilities according to the May 2006 (or updated) Green Streets Maintenance Policy.

If a green street facility (infiltrating or flow through) is not incorporated into the Infrastructure Project, or only partial management is achieved, then an off site project or off site management fee will be required.

- b. Any City of Portland funded development, redevelopment or enhancement project, that does not trigger the Stormwater Manual but requires a street opening permit or occurs in the right of way, shall pay into a "% for Green" Street fund. The amount shall be 1% of the construction costs for the project.

Exceptions: Emergency maintenance and repair projects, repair and replacement of sidewalks and driveways, pedestrian and trail replacement, tree planting, utility pole installation, street light poles, traffic, signal poles, traffic control signs, fire hydrants, where this use of funds would violate contracted or legal restrictions.

2. Project Planning and Design:

- a. Foster communication and coordination among City Bureaus to encourage consideration of watershed health and improved water quality through use of green street facilities as part of planning and design of Bureau projects.
- b. Coordinate Bureau work programs and projects to implement Green Streets as an integrated aspect of City infrastructure.
- c. Plan for large-scale use of Green Streets as a means of better connecting neighborhoods, better use of the right of way, and enhancing neighborhood livability.
- d. Strive to develop new and innovative means to cost-effectively construct new green street facilities.
- e. Develop standards and incentives (such as financial and technical resources, or facilitated permit review) for Green Streets projects that can be permitted and implemented by the private sector. These standards and incentives should be designed to encourage incorporation of green street facilities into private development, redevelopment and enhancement projects.

3. Project and Program Funding:

- a. Seek opportunities to leverage the work and associated funding of projects in the same geographic areas across Bureaus to create Green Street opportunities.
- b. Develop a predictable and sustainable means of funding implementation and maintenance of Green Street projects.

4. Outreach:

- a. Educate citizens, businesses, and the development community/industry about Green Streets and how they can serve as urban greenways to enhance, improve, and connect neighborhoods to encourage their support, demand and funding for these projects.
- b. Establish standard maintenance techniques and monitoring protocols for green street facilities across bureaus, and across groups within bureaus.

5. Project Evaluation:

- a. Conduct ongoing monitoring of green street facilities to evaluate facility effectiveness as well as performance in meeting multiple City objectives for:
 - Gallons managed;
 - Projects distributed geographically by watershed and by neighborhood; and

The second priority for Phase 2 was developing communication and planning procedures for incorporating multi-bureaus plans into the scheduled Portland DOT Capital Improvement Program (CIP). Three timeframes for green street project planning were recommended. In the short term, the CIP Planning Group, backed by the citywide policy directive, will shift to a focus on "identifying and evaluating opportunities to partner." For example, coordinating Water Bureau and BES pipe replacement

projects with DOT maintenance, repair, and improvement projects. The mid-term approach is more proactive and involves forecasting potential green street projects using existing bureau data and GIS tools. As for the long term, green street objectives will be incorporated into the citywide systems plan which guides city bureaus for the next 20 years.

The Green Street Team methodology propelled Portland's early green street pilot projects into a comprehensive, citywide multi-bureau program. The program built on previous efforts by the Sustainable Infrastructure Committee as well as other efforts such as the 2005 Portland Watershed Management Plan, established a City Council mandated policy, and institutionalized green street development. The outcome of this approach is multi-agency buy-in and responsibility for the effort. For instance, because of their knowledge of plant maintenance, Portland Parks and Recreation is responsible for the maintenance of some DOT installations.

Chicago, IL: Green Alleys Program

The City of Chicago, Illinois has an alley system that is perhaps the largest in the world. These 13,000 publicly owned alleys result in 1,900 miles, or 3,500 acres, of impermeable surfaces in addition to the street network. Because the alley system was not originally paved, there are no sewer connections as part of the original design. Over time the alleys were paved and flooding in garages and basements began to occur as a result of unmanaged stormwater runoff. Since the city already spends \$50 million each year to clean and upgrade 4,400 miles of sewer lines and 340,000 related structures, the preferred solution to the flooded alleys is one that doesn't put more stress on an already overburdened and expensive sewer system.²⁶

In 2003, the Chicago Department of Transportation (CDOT) used permeable pavers and French drain pilot applications to remedy localized flooding problems in alleys in the 48th Ward.²⁷ These applications proved to be successful and by 2006, CDOT launched its Green Alley Program with the release of the Chicago Green Alley Handbook (Handbook).²⁸

The Chicago Green Alley Program is unique because it marries green infrastructure practices in the public right-of-way with green infrastructure efforts on private property. The user-friendly Handbook, which describes both facets of the program including the design techniques and their benefits, is an award winning document. The American Society of Landscape Architects awarded the creators of the Handbook the 2007 Communications Honor Award for the clear graphics and simple, yet effective, message.²⁹ The Handbook explains to the residents why green infrastructure is important, how to be good stewards of the Green Alley in their neighborhood, and what sorts of "green" practices they can implement on their property to reduce waste, save water, and help manage stormwater wisely.

While the initial impetus behind the Green Alley Program was stormwater management, Chicago decided to use this opportunity to address other environmental concerns as well as reducing the urban heat island effect, recycling, energy conservation, and light pollution.

Green Infrastructure in the Right-of-Way

Chicago's Green Alley Program uses the following five techniques in the public right-of-way to "green" the alley:

1. Changing the grade of the alley to drain to the street rather than pond water in the alley or drain toward garages or private property.
2. Using permeable pavement that allows water to percolate into the ground rather than pond on the surface.
3. Using light colored paving material that reflects sunlight rather than adsorbing it, reducing urban heat island effect.

4. Incorporating recycled materials into the pavement mix to reduce the need for virgin materials and reduce the amount of waste going into the landfill.
5. Using energy efficient light fixtures that focus light downward, reducing light pollution.



Figure 9: Permeable Asphalt Installation Using Ground Tire Rubber.

Source: Chicago Department of Transportation, Sustainable Development Initiatives; Streetscape and Urban Design Program, CDOT Division of Project Development.

Four design approaches were created using these techniques. Based on the local conditions, the most appropriate approach is selected. In areas where soils are well-draining, permeable pavement is used. In areas where buildings come right up to the edge of pavement and infiltrated water could threaten foundations, impermeable pavement strips are used on the outside with a permeable pavement strip down the middle. In areas where soils do not provide much infiltration capacity, the alley is regraded to drain properly and impermeable pavement made with recycled materials is used. Another approach utilizes an infiltration trench down the middle of the alley. Light colored (high albedo) pavement, recycled materials, and energy efficient, glare reducing lights are a part of each design approach.

Green Infrastructure on Private Property

The Handbook also describes actions that property owners can take to “green” their own piece of Chicago. The Handbook describes the costs, benefits, and utility of the following practices:

- Recycling;
- Composting;
- Planting a tree;
- Using native landscape vegetation;
- Constructing a rain garden;
- Installing a rain barrel;
- Using permeable pavement for patios;
- Installing energy efficient lighting; and
- Utilizing natural detention.

By bringing this wide range of “green” practices to the attention of homeowners, the positive impacts of the Green Alley Program spread beyond the boundaries of the right-of-way, increasing awareness and providing practical resources to help community members be a part of the solution.

Chicago Green Alley Cost Considerations

When the program began in 2006, repaving the alleys with impermeable pavement ranged in cost from \$120,000 to \$150,000, whereas a total Green Alley reconstruction was more along the lines of \$200,000 to \$250,000.³⁰ While less expensive conventional rehabilitation options may seem more attractive, they don’t provide a solution to the localized flooding issues or the combined sewer system overflow problems. Sewer system connections could be established to solve the localized flooding problem, but it would add to the already overburdened sewer system and increase the cost of the reconstruction to that of the impermeable alley option. Consequently, the higher priced Green Alley option proved to be the best investment as it has multiple benefits in addition to solving localized flooding and reducing flow into the combined sewer system. The additional benefits of the Green Alley Program include not only urban heat

island effect reduction, material recycling, energy conservation, and light pollution reduction, but also the creation of a new market.

In 2006, when the Green Alley Program began, the city paid about \$145 per cubic yard of permeable concrete. Just one year later, the cost of permeable concrete had dropped to only \$45 per cubic yard. Compared with the cost of ordinary concrete, \$50 per cubic yard, permeable concrete may have seemed like an infeasible option in the past to customers wanting to purchase concrete.³¹ After the city's initial investment in the local permeable concrete market, the product cost has come down making permeable concrete a more affordable option for other consumers besides the city. This has resulted in an increased application of permeable concrete throughout the region.



Figure 10: Permeable Pavers and Permeable Concrete Chicago Alleys
(Source: Abby Hall, US EPA)

The success of the Chicago Green Alley Program is evident. Not only are the alleys been “greened” as a result of the program, the surrounding properties and even the surrounding neighborhoods are experiencing the positive impacts of the program’s implementation.

Conclusions and Recommendations

Incorporating green streets as a feature of urban stormwater management requires matching road function with environmental performance. Enhancing roads with green elements can improve their primary function as a transportation corridor while simultaneously mitigating their negative environmental impacts. In theory and practice many municipalities are not far removed from dedicated green streets programs. Street tree and other greenscaping programs are often identified and promoted along urban transportation corridors. Adapting them to become fully functional green streets requires minor design modifications and an evaluation of how to maximize the benefits of environmental systems.

Portland’s green streets program demonstrates how common road and right-of-way elements (e.g., traffic calming curb extensions, tree boxes) can be modified and optimized to provide stormwater management in addition to other benefits. The curb cuts and design variations to allow runoff to enter the vegetated areas are subtle changes with a significant impact and demonstrate how stormwater can be managed successfully at the source. One of the biggest successes of the program was reassessing common design features and realizing that environmental performance can be improved by integrating stormwater management.

Where Portland used vegetation, Chicago’s Green Alley Program similarly demonstrates that hardscape elements can be an integral part of a greening program. By incorporating permeable pavements that simulate natural infiltration, Chicago enhances the necessary transportation function of alleys while enhancing infrastructure and environmental management. Portland also contrasts the “soft” and “hard”

elements of green streets by using both permeable pavements and vegetated elements. The green options available demonstrate the flexibility of green infrastructure to satisfy road function and environmental objectives and highlight why transportation corridors are well suited for green infrastructure.

Elements necessary for a successful green streets program:

- **Pilot projects are critical.** The most successful municipal green street programs to date all began with well documented and monitored pilot projects. These projects have often been at least partially grant funded and receive the participation of locally active watershed groups working with the city infrastructure programs. The pilot projects are necessary to demonstrate that green streets can work in the local environment, can be relied upon, and fit with existing infrastructure. Pilot projects will help to dispel myths and resolve concerns.
- **Leadership in sustainability from the top.** The cities with the strongest green streets programs are those with mayors and city councils that have fully bought into sustainable infrastructure. Council passed green policies and mayoral sustainability mandates or mission statements are needed to institutionalize green street approaches and bring it beyond the token green project.
- **Buy-in from all municipal infrastructure departments.** By their nature, green streets cross many municipal programs. Green street practices impact stormwater management, street design, underground utilities, public lighting, green space planning, public work maintenance, and budgeting. When developing green streets, all of the relevant agencies must be represented. Also, coordination between the agencies on project planning is important for keeping green infrastructure construction costs low. Superior green street design at less cost occurs when sewer and water line replacement projects can be done in tandem with street redevelopment. These types of coordination efforts must happen at the long-term planning stage.
- **Documentation.** Green street projects need to be documented on two levels, the design and construction level and on a citywide tracking level. Due to the different street types and siting conditions, green street designs will take on many variations. By documenting the costs, construction, and design, the costs of similar future projects can be minimized and construction or design problems can be avoided or addressed. Tracking green street practices across the city is crucial for managing maintenance and quantifying aggregate benefits.
- **Public outreach.** Traditional pollution prevention outreach goes hand in hand with green street programs. Properly disposing of litter, yard waste, and hazardous chemicals and appropriately applying yard chemicals will help prolong the life of green street practices. An information campaign should also give the public an understanding of how green infrastructure works and the benefits and trade offs. In many cases, remedial maintenance of green street practices will be performed by neighboring property owners; they need to know how to maintain the practices to keep them performing optimally.

As public spaces, roads are prime candidates for green infrastructure improvements. In addition to enabling legislation, and technical guidance, developing a green streets program requires an institutional re-evaluation of how right-of-ways are most effectively managed. This process typically includes:

- Assessing the necessary function of the road and selecting the minimum required street width to reduce impervious cover;
- Enhancing streetscaping elements to manage stormwater and exploring opportunities to integrate stormwater management into roadway design; and
- Integrating transportation and environmental planning to capitalize on economic benefits.

The use of green streets offers the capability of transforming a significant stormwater and pollutant source into an innovative treatment system. Green streets optimize the performance of public space easing maintenance concerns and allowing municipalities to coordinate the progression and implementation of stormwater control efforts. In addition, green streets optimize the performance of both the transportation and water infrastructure. Effectively incorporating green techniques into the transportation network provides significant opportunity to decrease infrastructure demands and pollutant transport.

¹ National Cooperative Highway Research Program, *Evaluation of Best Management Practices and Low Impact Development for Highway Runoff Control*, National Academy of Sciences - National Research Council, 2006.

² Lance Frazer, *Paving Paradise: The Peril of Impervious Cover*, Environmental Health Perspectives, Volume 113, Number 7, July 2005.

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- ³ See note 1.
- ⁴ *Pollutants Commonly Found in Stormwater Runoff*, <http://www.stormwaterauthority.org/pollutants/default.aspx> (accessed July 2008).
- ⁵ Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities: <http://www.ite.org/css/> (Ch. 6, pages. 65-87)
- ⁶ *Neighborhood Street Design Guidelines*, prepared by Neighborhood Streets Project Stakeholders. November 2000 <http://www.oregon.gov/LCD/docs/publications/neighborstreet.pdf> (accessed June 2008)
- ⁷ *Narrow Streets Database*, <http://www.sonic.net/abcaia/narrow.htm> (accessed July 2008).
- ⁸ City of Seattle. Street Edge Alternatives Project http://www.ci.seattle.wa.us/util/About_SPU/Drainage_&_Sewer_System/Natural_Drainage_Systems/Street_Edge_Alternatives/index.asp
- ⁹ City of Austin, Engineering Services Division. Standard Specifications and Details Website: <http://www.ci.austin.tx.us/sd2/>
- ¹⁰ See note 9
- ¹¹ *Implementing Rainwater in Urban Stormwater Management* http://www.ci.maplewood.mn.us/index.asp?Type=B_BASIC&SEC=%7BF2C03470-D6B5-4572-98F0-F79819643C2A%7D (accessed July 2008).
- ¹² 2006 Stormwater Management Facilities Monitoring Report <http://www.portlandonline.com/bes/index.cfm?c=36055> (accessed July 2008).
- ¹³ City of Portland. Green Streets website. <https://www.sustainableportland.org/BES/index.cfm?c=44407> (last accessed July, 2008).
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- ¹⁶ The Case for Trees, Casey Trees, Washington, D.C.: <http://www.caseytrees.org/resources/casefortrees.html#EconGrowth>
- ¹⁷ Deep Root, LLC. <http://www.deeproot.com>
- ¹⁸ Cornell University, Urban Horticulture Institute. <http://www.hort.cornell.edu/UHII/>
- ¹⁹ City of Portland Bureau of Environmental Services, *CSO Program*. <http://www.portlandonline.com/BES/index.cfm?c=31030>, (accessed July 2008).
- ²⁰ City of Portland Sustainable Infrastructure Committee, *Sustainable Infrastructure Report*. December 2001. <http://www.portlandonline.com/shared/cfm/image.cfm?id=82893> (last accessed July, 2008).
- ²¹ City of Portland Sustainable Infrastructure Subcommittee, *Sustainable Infrastructure: Alternative Paving Materials*. Oct. 2003. <http://www.portlandonline.com/shared/cfm/image.cfm?id=82898>, (accessed July 2008).
- ²² City of Portland Sustainable Infrastructure Subcommittee, *Sustainable Infrastructure: Streetscape Task Force*. Nov. 2003. <http://www.portlandonline.com/shared/cfm/image.cfm?id=82897>, (accessed July 2008).
- ²³ City of Portland Bureau of Environmental Services, *Flow Test Report: Siskiyou Curb Extension*. August 4, 2004. <http://www.portlandonline.com/shared/cfm/image.cfm?id=63097> (accessed July 2008).
- ²⁴ City of Portland Bureau of Environmental Services, *Environmental Assessment: Innovative Wet Weather Program*. April 2004.
- ²⁵ Portland Stormwater Advisory Committee, 2004.
- ²⁶ Chicago Department of Transportation, Sustainable Development Initiatives; Streetscape and Urban Design Program, CDOT Division of Project Development: http://www.railvolution.com/rv2006_pdfs/rv2006_217c.pdf
- ²⁷ 48th Ward Green Initiatives: <http://www.masmith48.org/greeninitiatives/greeninitiatives.html>
- ²⁸ The Chicago Green Alley Handbook, Chicago Department of Transportation: http://egov.cityofchicago.org/webportal/COCWebPortal/COC_EDITORIAL/GreenAlleyHandbook.pdf
- ²⁹ American Society of Landscape Architects, 2007 Professional Awards: http://www.asla.org/awards/2007/07winners/212_hdg.html
- ³⁰ DeLong, Aaron, A Pilot Project Takes Off, Sustainable Urban Redevelopment: http://www.surmag.com/index.php?option=com_content&task=view&id=10&Itemid=2
- ³¹ Saulny, Susan, In Miles of Alleys, Chicago Finds it's Next Environmental Frontier, *New York Times* November 26, 2007.



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:  ROBERT YALDA, P.E., T.E., PUBLIC WORKS DIRECTOR
 STEVE BALL, LANDSCAPE DISTRICTS MAINTENANCE MANAGER**

SUBJECT: FISCAL YEAR 2015-2016 LEVY OF ASSESSMENTS IN CONNECTION WITH THE LANDSCAPE LIGHTING ACT DISTRICTS AND ADOPTION OF RESOLUTION NO. 2015-1450, APPROVING A FINAL ENGINEER'S REPORT IN CONNECTION WITH LANDSCAPE LIGHTING ACT DISTRICTS NOS. 22, 24, 27 & 32 AND CONFIRMING DIAGRAMS AND ASSESSMENTS FOR SUCH DISTRICTS.

MEETING DATE: JUNE 10, 2015

SUMMARY RECOMMENDATION:

Following a public hearing adopt Resolution No. 2015-1450 confirming the annual administration of the districts.

BACKGROUND:

The City of Calabasas administers the following four landscape assessment districts pursuant to the Lanscaping & Lighting Act of 1972:

- Landscape Lighting Act District No. 22 – Calabasas Park Area (LLAD 22)
- Landscape Lighting Act District No. 24 – Lost Hills Road & The Saratogas (LLAD 24)
- Landscape Lighting Act District No. 27 – Las Virgenes Road (LLAD 27)
- Landscape Lighting Act District No. 32 – Agoura Road/Lost Hills Road Commercial District (LLAD 32)

The Districts were transferred to the City from Los Angeles County on July 1, 1995. In 1997, in compliance with new requirements imposed by the adoption of Proposition 218 in 1996, the assessments were submitted to property owners in

an assessment ballot proceedings. Subsequent rate increases in some of the zones of the districts have also been approved following a balloting proceeding.

On April 22, 2015, this Council adopted resolutions initiating annual proceedings for FY 2015-16 in connection with the assessment districts.

DISCUSSION/ANALYSIS:

The purpose of this agenda item is to (i) hold a public hearing on the annual landscape districts assessment (ii) adopt Resolution No. 2015-1450, which imposes the assessment.

FISCAL IMPACT/SOURCE OF FUNDING:

Funding sources:

- Division: 322 – LMD 22
- Division: 323 – LMD 24
- Division: 324 – LMD 27
- Division: 325 – LMD 32

REQUESTED ACTION:

Following a public hearing, adopt Resolution No. 2015-1450.

ATTACHMENTS:

1. Resolution No. 2015-1450 Confirming a Diagram and Assessment for the Landscape Lighting Act Districts for Fiscal Year 2015-2016
- 2: Final Engineer's Report

RESOLUTION NO. 2015-1450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING A FINAL ENGINEER'S REPORT IN CONNECTION WITH LANDSCAPE LIGHTING ACT DISTRICTS NOS. 22, 24, 27 & 32 AND CONFIRMING DIAGRAMS AND ASSESSMENTS FOR SUCH DISTRICTS.

WHEREAS, by its Resolution No. 2015-1449, the City Council declared its intention to levy and collect assessments for Fiscal Year 2015-16 in connection with Landscape Lighting Act District No. 22, Landscape Lighting Act District No. 24, Landscape Lighting Act District No. 27, and Landscape Lighting Act District No. 32 (collectively the "Districts" and each a "District") pursuant to the Landscape and Lighting Act of 1972 (California Streets & Highways Code Section 22500 et seq.) (the "Assessment Law"); and

WHEREAS, on June 10, 2015, the City Council held a full and fair public hearing at which all interested persons could give oral and written testimony with respect to the Fiscal Year 2015-16 assessment, which is at the same rate as in effect in Fiscal Year 2014-2015 plus 1.35% CPI inflation adjustment; and

WHEREAS, the City Council has considered all oral and written testimony and protests with respect to the proposed assessment for Fiscal Year 2015-16; and

WHEREAS, the City Council desires to cause the levy and collection of assessments for Fiscal Year 2015-16 in the Districts;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The forgoing recitals are each true and correct.

SECTION 2. The City Council hereby approves the Final Report of Anderson-Penna Partners, as Assessment Engineer, entitled Final Engineer's Report for the Landscape Lighting Act Districts, and dated June 10, 2015, which is on file in the Office of the City Clerk and available for public inspection. Any protests against the proposed assessments for Fiscal Year 2015-16 are hereby overruled.

SECTION 3. The Diagram and Assessment contained within such Report is hereby approved pursuant to Section 22631 of the Assessment Law.

SECTION 4. The adoption of this Resolution constitutes the levy of the assessment within each of the Districts for Fiscal Year 2015-16.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney

CITY OF CALABASAS

FINAL ENGINEER'S REPORT

**LANDSCAPE LIGHTING ACT DISTRICTS NOS. 22, 24, 27 & 32
(1972 Act Districts)**

FISCAL YEAR 2015-16



CITY of CALABASAS

Landscape Lighting Act District No. 22 (CALABASAS PARK AREA)

Landscape Lighting Act District No. 24 (LOST HILLS ROAD & THE SARATOGAS)

Landscape Lighting Act District No. 27 (LAS VIRGENES ROAD)

**Landscape Lighting Act District No. 32 (AGOURA ROAD/LOST HILLS ROAD COMMERCIAL
DISTRICT)**

Prepared by AndersonPenna Partners, Inc.

June 10, 2015



**CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32 (1972 Act Districts)
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

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**CITY OF CALABASAS
LANDSCAPING LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32 (1972 Act Districts)
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

BACKGROUND AND INTRODUCTION

BACKGROUND

Prior to the incorporation of the City of Calabasas, the County of Los Angeles formed the following Districts pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*):

Landscape Lighting Act District No. 22 (CALABASAS PARK AREA) (Formed in 1979)
Landscape Lighting Act District No. 24 (LOST HILLS ROAD AND THE SARATOGAS) (Formed in 1984)
Landscape Lighting Act District No. 27 (LAS VIRGENES ROAD) (Formed in 1984)
Landscape Lighting Act District No. 32 (AGOURA ROAD/LOST HILLS ROAD COMMERCIAL DISTRICT) (Formed in 1989)

In July 1995, the County of Los Angeles transferred all four Districts to the City of Calabasas.

These 1972 Act Districts fund landscape maintenance services and are funded by annual benefit assessments levied against each parcel in each District. The word "lighting" was apparently included in their names as a reference to the Landscaping and Lighting Act of 1972.

In Fiscal Year 1997-98, assessment ballot proceedings were conducted pursuant to Proposition 218 (Articles XIII C and XIII D of the California Constitution) for each of the four Districts. There was not a majority protest against any of the assessments, and the assessment methodology was approved by the City Council. The approved methodology reserved to the City Council the right each year to implement an inflation adjustment in these Districts. Implementation of the annual inflation adjustment, which is based on the Consumer Price Index (CPI), does not constitute an assessment increase for purposes of Proposition 218, because landowners in the Fiscal Year 1997-98 assessment ballot and subsequent ballotings authorized these adjustments.

INTRODUCTION

This report was prepared in response to the City Council action ordering a report for the levy of assessments for the fiscal year commencing July 1, 2015 and ending June 30, 2016. This report is prepared in compliance with the requirements of Proposition 218, and the Landscaping and Lighting Act of 1972.

This report presents the engineering analysis for the annual administration of the four Districts. Through the levy and collection of benefit assessments, the four Districts fund maintenance and operation of landscape improvements. For Fiscal Year 2015-16, Landscape Lighting Act District Nos. 22, 24, 27 and 32 assessments will be levied based on the previously approved methodology, at the same rate as was in effect in Fiscal Year 2014-15, plus a 1.35% CPI inflation adjustment as recommended by the City of Calabasas' Chief Financial Officer. As the assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIII A of the Constitution of the State of California. The assessments are governed by Articles XIII D of the Constitution.

Landscaping Improvements

These Districts provide for the installation, operation, maintenance, and servicing of landscape improvements. The Landscaping and Lighting Act of 1972 allows the Districts to provide funding for the installation, maintenance, operation, servicing and administration of the following landscape improvements:

- The installation or planting of landscape;
- The installation or construction of statuary, fountains, or other ornamental structures;
- The installation or construction of public lighting facilities (*by City policy limited to lighting of parkland and major landscaping*);
- The installation or construction of facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance and servicing thereof, including, but not limited to grading, clearing, removal of debris, the installation or construction of curbs, gutters, sidewalks, walls, paving, or water, irrigation, drainage or electrical facilities;
- The installation of park or recreational improvements;
- The maintenance or servicing, or both, of any of the foregoing;
- The acquisition of land for park, recreational, or open space purposes;
- The acquisition of any existing improvement otherwise authorized pursuant to section 22525 of the Streets and Highways Code.

“Maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal or replacement of all or any part of any improvement;
- Providing for the life, growth, health, and beauty of landscape, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for plant disease or injury;
- The removal of trimmings, rubbish, debris, and other solid waste from common area landscape or hardscape,
- Cleaning and sandblasting to remove or cover graffiti;

“Servicing” means the furnishing of:

- Water for irrigation of any landscaping, operation of any fountains or maintenance of any other improvements;
- Electrical current or energy, gas, or other illuminating agent for any public lighting facilities or for lighting or operation of any other improvements.

Note that the four Districts do not necessarily provide every service authorized under the 1972 Act. For example, while these Districts provide electrical current to power irrigation systems, fountains, landscape lighting, Calabasas Lake aeration systems, and Association Park lake sidewalk lighting, they do not fund LLAD residential or commercial district street lighting.

**CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32 (1972 ACT DISTRICTS)
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

PLANS AND SPECIFICATIONS

Several items related to the Districts are on file and available for review at the City of Calabasas Public Works Department, Landscape Maintenance Division office. The items listed below are incorporated into this Engineer's Report by reference.

The lines and dimensions of each lot or parcel within the Assessment Districts are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles for the year when this Report is prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

Plans and specifications showing each District's exterior boundaries; and indicating the general nature, location and extent of improvements.

For Landscape Lighting Act District No. 22, each member HOA has an individual maintenance contract. The member HOAs have been designated as "Zones"; each Zone has been given a number. The City has on file for each Zone a maintenance contract listing the work contracted and a diagram(s) detailing maintenance service work areas.

**CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32 (1972 ACT DISTRICTS)
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

IMPROVEMENTS

The landscape lighting act Districts provide funds for the operation, maintenance and services for the landscape improvements in each District. District Nos. 22, 24, 27, and 32 typically may provide the following landscape maintenance services for the improvements listed in each District below:

- Installation, maintenance, repair, removal or replacement of landscape improvements in a manner that provides for the life, growth, health, and beauty of the landscape;
- Tree installation, tree trimming or tree removal;
- Landscape rodent and pest control;
- Fertilization or treating for plant disease or injury;
- Removal of trimmings, rubbish, debris, and other solid waste from common area landscape or hardscape;
- Graffiti removal;
- Maintenance, repair, and replacement as necessary of all irrigation systems;
- Energy costs of the irrigation control system;
- Furnishing of irrigation water;
- Exterior inspection and cleaning only of drainage structures; not interior inspection, repair or replacement;
- Annual weed abatement/brush clearance for fuel reduction/fire safety.

The landscape improvements maintained by each District are generally described as follows:

Landscape Lighting Act District No. 22

LLAD 22 provides for the maintenance of landscape of the common areas and open space areas located within member homeowner associations (HOA) referred to as "Zones". The HOA common areas are either owned in common or privately owned, with easements granted to the District for landscape maintenance purposes. The maintenance of landscape also includes greenbelt and slope areas as well as annual weed abatement/brush clearance for fuel reduction/fire safety.

Landscape Lighting Act District No. 24

LLAD 24 provides maintenance of landscape within street right-of-way and open space areas. The open space areas include slopes and creek banks. Maintenance of landscape on streets within right-of-way includes parkways, center medians, adjacent turf areas, trees, and annual weed abatement/brush clearance for fuel reduction/fire safety.

Landscape Lighting Act District No. 27

LLAD 27 provides maintenance of landscape within street right-of-way. Maintenance of landscape on streets within right-of-way includes parkways, center medians, and street trees.

Landscape Lighting Act District No. 32

LLAD 32 provides maintenance of landscape within street right-of-way. Maintenance of landscape on streets within right-of-way includes center medians and street trees.

**CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32 (1972 ACT DISTRICTS)
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

ESTIMATE OF COST

The estimated budget for Fiscal Year 2015-16 for each District is shown in the table below. The beginning fund balance estimated for July 1, 2015, is projected from 2014-2015 budget year. These fund balances are used to finance all work from July 1, 2015 until June 30, 2016. The first deposit from the County Assessor's Office to the District's accounts is December 2015. The projected carryover from FY 2014-15 will be the beginning fund balance for Fiscal Year 2015-2016 and so forth.

CITY OF CALABASAS LANDSCAPE LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32 SOURCES AND USES FOR FY 2015-16				
	LLAD 22	LLAD 24	LLAD 27	LLAD 32
<u>SOURCES</u>				
BEGINNING BALANCE (Est.)	253,200	223,900	100,900	6,100
BENEFIT ASSESSMENT	2,811,500	189,400	32,300	33,100
OTHER CITY FUNDS*	1,000,000			
INTEREST	3,800	3,400	1,500	100
TOTAL SOURCES	4,068,500	416,700	134,700	39,300
<u>USES</u>				
CITY ADMINISTRATIVE COSTS (SALARIES, CONSULTANTS, INCIDENTAL COSTS, ETC.)	160,500	10,600	3,500	2,800
UTILITIES (IRRIGATION WATER & ELECTRICAL TO POWER IRRIGATION CONTROLLERS)	803,500	29,800	3,400	6,000
MAINTENANCE CONTRACTS/PEST CONTROL	1,332,200	115,300	33,000	22,600
TREE MAINTENANCE (INSTALLATION, TRIMMING, REMOVALS)	238,000	55,800	30,100	-
FIRE BREAK / BRUSH CLEARANCE	340,500	20,700	-	-
CAPITAL IMPROVEMENTS	-	-	-	-
GENERAL BENEFIT LANDSCAPING IMPROVEMENTS*	1,000,000	-	-	-
TOTAL USES	3,874,700	232,200	70,000	31,400
ENDING BALANCE CARRYOVER	193,800	184,500	64,700	7,900

*Other City Funds – funds the maintenance of general benefit landscape improvements. See LLAD No. 22 General Benefit.

The City of Calabasas' Chief Financial Officer provided the FY 2015-16 Budget Sources and Uses and Consumer Price Index increase.

The detailed records for the costs, utilities, maintenance contracts and other uses are on file at the City of Calabasas.

**CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NOS. 22, 24, 27 & 32
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

METHOD OF APPORTIONMENT OF ASSESSMENT

Proposition 218 requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Articles provide that only special benefits are assessable. The City must separate the general benefits from the special benefits conferred on a parcel; a special benefit being a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district.

In Fiscal Year 1997-98, the four Districts conducted an assessment ballot proceeding pursuant to Proposition 218; the assessment methodology was approved by a majority of District parcel owners and the City Council. The City reserves the right to implement the previously approved inflation adjustment in these Districts. Implementation of the annual inflation adjustment, which is based on the annual Consumer Price Index (CPI), does not constitute an assessment increase for purposes of Proposition 218, because parcel owners in the Fiscal Year 1997-98 assessment ballot and subsequent ballotings authorized these adjustments.

Assessments for the Districts are subject to an increase each year equal to the 12-month average percent change in the annual Consumer Price Index, All Urban Consumers, for the Los Angeles-Riverside-Orange County Area ("CPI"), from January 1st through December 31st of the fiscal year prior to the subject fiscal year. Future annual budgets within this limit may be approved by the City Council without additional property owner ratification. A CPI increase may be exceeded only by a majority parcel owner approval. For Fiscal Year 2015-16, Landscape Lighting Act District Nos. 22, 24, 27, and 32 assessments will be increased by the 1.35% annual CPI inflation adjustment per the City of Calabasas' Chief Financial Officer.

Each District will be discussed in terms of background, special benefit, general benefit, and assessment formula. Certain terms used throughout the Method of Assessment are defined below.

DEFINITIONS

Special Benefit: Articles XIII C and XIII D of the California Constitution define special benefit as "a particular and distinct benefit over and above the general benefits conferred on real property located in the District or to the public at large. General enhancement of property value does not constitute 'special benefit.'" The following Method of Apportionment of Assessment for each District analyzes the special benefit each parcel receives from the improvements funded in each District. The cost of landscape maintenance is distributed to parcels in each District based on the special benefit each parcel receives by an assessment formula. Within the Districts, zones of benefit may be designated based on spreading the cost of the improvements associated with each Zone over the parcels within that Zone.

Each assessed parcel within each District receives a particular and distinct Special Benefit from the improvements. The operation and maintenance of the landscape improvements provides a Special

Benefit to the parcels within each District even though there may not be landscaping immediately adjacent to a particular parcel. Special Benefits associated with landscaped improvements are:

- The proper maintenance of landscape along streets provides noise abatement and visual barriers to reduce the negative impact of the streets upon nearby parcels within the District.
- Landscape improvements provide environmental enhancement to nearby parcels through erosion control, dust and debris control, and weed abatement for fire safety.
- The aesthetic desirability of parcels within the District is specifically enhanced by the presence of well-maintained open space, greenbelts, street medians, and frontage landscape.
- Having properly maintained landscape readily accessible to properties within the District means the owners of the assessed parcels may enjoy the benefits of having such improvements available for use while avoiding the effort and expense of individually installing and maintaining similar improvements.
- Where the District is providing maintenance along easements on privately held property, it is providing landscape services that otherwise would be direct expenses of the owners of such property.
- State and City laws generally hold property owners individually responsible for the safe and proper maintenance of their frontages.

Zones: Landscape Lighting Act District No. 22 (1972 Act District) Calabasas Park Area has been divided into "Zones" of benefit by individual communities or neighborhoods that receive distinct Special Benefit. In most cases, Zones are defined by the boundaries of a homeowners association. In a few cases, the Zone is based on master plan boundaries (Old Town Master Plan) or street boundaries. The landscape maintenance activities that provide a Special Benefit are separately identified by the City for each Zone. Based on an assessment formula, the cost of these landscape maintenance activities is then spread to the parcels within that Zone.

Assessment Units: The assessment units assigned to each parcel are used in the assessment formula to compute the assessment amount. If the zone has one single land use, then each parcel is assigned one assessment unit. Where more than one land use exists within a zone, traffic generation factors are used as a means to define the benefit a single family residence receives as compared to an apartment or a commercial property. The following traffic generation factors for the City of Calabasas and resulting Assessment Units are incorporated in this Report. Per Parcel

Land Use	Traffic Generation Factor	Assessment Unit
Single Family Residential (Houses and Condominiums)	10 trips per day	1.0 (10 trips/10 trips) per parcel
Multi-Family Residential (Apartments)	6 trips per day	0.6 (6 trips/10 trips) per unit)
Commercial Parcel	40 trips per day	4.0 (40 trips/10 trips) per acre

Note: Traffic Generation Factor is based on information provided by the City of Calabasas in 1997-98. Due to minor changes in development in the area since this time, these results continue to be representative of the traffic generated in the assessment district.

The Method of Assessment for each District is provided in the following sections.

LANDSCAPE LIGHTING ACT DISTRICT NO. 22 (1972 ACT DISTRICT) (CALABASAS PARK AREA)

METHOD OF APPORTIONMENT OF ASSESSMENTS

For Fiscal Year 2015-16, Landscape Lighting Act District No. 22 (LLAD 22) assessments will be levied based on previously approved methodology and will be levied at the same rate as in Fiscal Year 2014-15 with a 1.35 % annual CPI inflation adjustment.

IMPROVEMENTS

LLAD 22 provides for the maintenance of landscape of the common areas and open space areas located within member homeowner associations (HOA). The HOA common areas are either owned in common or privately owned, with easements granted to the District for landscape maintenance purposes. The maintenance of landscape also includes greenbelt and slope areas as well as annual weed abatement/brush clearance for fuel reduction/fire safety.

LLAD 22 provides funding for the installation, maintenance, operation, and administration of the following landscape improvements:

“Improvement” means one or any combination of the following:

- The installation or planting of landscape;
- The installation of trees;
- The installation or construction of statuary, fountains, or other ornamental structures;
- The installation or construction, of public lighting facilities (*by City policy limited to lighting of parkland and major landscaping*);
- The installation or construction of facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance and servicing thereof, including, but not limited to grading, clearing, removal of debris, the installation or construction of curbs, gutters, sidewalks, walls, or paving, or water, irrigation, drainage or electrical facilities;
- The installation of park or recreational improvements;
- The maintenance or servicing, or both, of any of the foregoing;
- The acquisition of land for park, recreational, or open space purposes;
- The acquisition of any existing improvement otherwise authorized pursuant to section 22525 of the Streets and Highways Code.

“Maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Providing for the life, growth, health, and beauty of landscape, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for plant disease or injury;

- Repair, removal or replacement of all or any part of any improvement;
- The removal of weeds, trimmings, rubbish, debris, and other solid waste from common area landscape or hardscape;
- Cleaning and sandblasting to remove or cover graffiti;
- Exterior inspection and cleaning only of drainage structures; not interior inspection, repair or replacement;
- Annual weed abatement/brush clearance for fuel reduction/fire safety;
- Landscape rodent and pest control;
- Trimming or removal of trees.

“Servicing” means the furnishing of:

- Water for irrigation of any landscape, operation of any fountains or maintenance of any other improvements;
- Electrical to power irrigation systems, fountains, and landscape lighting.

METHODOLOGY

The following methodology described pertains to Landscape Lighting Act District No. 22 (1972 Act). The landscape services provided to all properties within the district boundary have been reviewed to identify the General Benefit and Special Benefit conferred to each parcel.

GENERAL BENEFIT

Articles XIII C and XIII D of the California Constitution require that the benefit to the public at large be identified for any improvements being funded through an assessment district. This so-called "general" benefit may not be assessed to the parcels through an assessment district. The following Method of Apportionment of Assessment for the District analyzes the benefit to the public at large from the landscape improvements provided by the City for the District.

In LLAD 22, certain portions of improvements are identified as providing general benefit. The costs associated with these improvements are not included in the LLAD 22 budget assessed to parcels in the District. Instead, these costs are funded through Landscape Maintenance District No. 22 (LMD 22), via an existing ad valorem tax levy. Proposition 218 does not govern the ad valorem levy, and the proceeds of this ad valorem levy may be used toward any landscape improvements providing general benefit within the LMD 22/LLAD 22 boundary.

The following landscape improvements provide general benefit and are funded solely by LMD 22, via the existing ad valorem tax levy and are not funded by LLAD 22. Maintenance of landscape on major thoroughfare roadways, including portions of Calabasas Road, Civic Center Way, Park Capri, Park Entrada, Park Granada, median islands on Park Helena and Park Sienna, Park Ora, certain parkway areas on Park Sorrento, Parkway Calabasas, Association Park, Calabasas Lake, and natural areas such as McCoy Creek, and open space areas within the district boundary.

The roadways are thoroughfares for the community, providing access to schools, shops, freeways, and recreational facilities, and therefore, confer a General Benefit to the community. The landscape along these streets includes parkway landscape that serves to improve the stabilization of slopes adjacent to these roadway sections within the District.

SPECIAL BENEFIT

With the exception of the major public thoroughfare roadways located within the boundaries of District LLAD 22 as described above in General Benefit, all of the areas maintained by LLAD 22 are either owned in common or are privately owned and are solely accessible to (or primarily accessible to) owners of the assessed properties, their tenants, and/or guests. These areas have easements granted to LLAD 22 for landscape maintenance purposes.

The local landscape improvements associated within member homeowner associations, provide special benefits to the properties within those developments, and have no benefit to the public at large, to individuals rather than property, or to properties located outside of the district. The landscape improvements of the common areas located within member homeowner associations are of direct and special benefit to the assessed properties. Consequently, 100% of these costs are allocated to special benefit.

In order for the methodology to be in compliance with Articles XIII C and XIII D of the California Constitution, a thorough study of the landscape funded by the District was performed in 1997-98. The District was divided by tracts into member homeowner associations and a commercial district that are called "Zones". These Zones receive distinct special benefit. In a few cases, the Zone is based on master plan boundaries (Old Town Master Plan) or street boundaries. Each Zone's specific usage and landscape maintenance activities were identified to determine the level of special benefit each property receives within that Zone.

The landscape maintenance activities that provide a Special Benefit have been determined for each Zone. The LLAD 22 Zones are as follows:

Bellagio	Calabasas Country Estates	Calabasas Hills
Classic Calabasas Park	Calabasas Park Estates	Calabasas Rd. Commercial*
Clairidge	Las Villas	Oak Creek
Oak Park	The Oaks of Calabasas **	Palatino
	Vista Pointe	Westridge

* Calabasas Rd. Commercial includes Old Town

**The Oaks of Calabasas Zone is comprised of The Oaks of Calabasas and The Estates of The Oaks of Calabasas HOAs.

A complete landscape maintenance service level was developed for each Zone to determine the Zone's aggregate LLAD 22 assessment levy and detail the Special Benefit each Zone receives from the District.

The aggregate LLAD 22 assessment levy for each Zone includes costs associated with maintaining improvements that specially benefit the given Zone. Many of the costs are for local landscape improvements that can be accessed only by member homeowner association parcel owners, their tenants, or guests. In virtually all cases, the improvements were part of a condition of development and the assessed properties are responsible for the ongoing landscape maintenance.

PARCEL CLASSIFICATION

These costs are apportioned to each parcel within each Zone based on the Special Benefit associated with the type of land use. The benefit relationship between land uses is based on the assignment of vehicle trip generation factors. Trip rates are used as a measure of benefit because they are a representative land use comparison factor for the type of improvements being funded, namely street landscape, slopes, common areas, parks, and open space. From the traffic generation factors Assessment Units are calculated. The Assessment Unit for each land use is computed based on its traffic generation compared to the traffic generated by a single-family residence.

Single Family Residence parcels in the City of Calabasas generate an average of 10 trips per day. A parcel is classified as a Single Family Residential use upon recordation of a subdivision map for houses or condominiums. The Single Family Residences are assigned the base Assessment Unit of 1 and are used as the basis of comparison for all other land uses in the District.

At this time, there are no *Multiple Family Residential* parcels (apartments) in the District. If at a later date, any parcel in the District comes under this land use, it would be assessed to reflect the available data that indicates Multiple Family Residential. Parcels in the City of Calabasas generate an average of 6 trips per day, or 0.6 Assessment Unit per unit. Therefore, the Assessment Units assigned to a multiple family parcel would be the product of the number of dwelling units on a parcel and 0.6 Assessment Units per unit. For instance, a 20-unit apartment house would be assigned $20 \times 0.6 = 12$ Assessment Units.

Residential Vacant (unsubdivided but buildable) property receives a Special Benefit from the improvements as a result of the increased desirability of a parcel that is located in an area with landscape and park amenities. In addition, vacant parcels specially benefit from the availability of a landscape program and access to the City's landscape manager.

Commercial property within the City of Calabasas generates on average 40 trips per day. Therefore, the Assessment Units assigned to a commercial property is 4.0 Assessment Units per acre. At this time, all commercial properties in the District are within the Calabasas Road/ Old Town Commercial Zone, which also encompasses the Old Town Master Plan area. The commercial properties in the Calabasas Road/ Old Town Commercial Zone receive benefit from Calabasas Road maintenance. The cost for these specific improvements will be distributed to the properties within the Zone based on each parcel's land area (acreage).

Public Agency parcels within the District that have people working on the premises and have parkway landscape maintained by the District, benefit from the landscape improvements to their parkway maintenance, as do other similar parcels. The only Public Agency parcels subject to the assessment are the Civic Center and the Tennis and Swim Center. For purposes of the assessment, these parcels are considered part of the Calabasas Road Commercial/Old Town Master Plan Zone. Therefore, the Civic Center and the Tennis and Swim center will receive the same per acre charge as the Commercial properties in the Calabasas Road Commercial/Old Town Master Plan Zone.

Homeowner's Association and Common Area parcels within the District are not assessed. These parcels include large park parcels, small sliver parcels, and parking lot parcels that cannot be developed. These 'unbuildable' properties do not receive a special benefit from the District's improvements and are not assessed. In many cases, the common area parcels provide the same use and function that the District funded improvements provide. In addition, the property owners paying the Homeowner's Association

bill are already paying for the District's funded improvements by their parcel's assessment. The common area property is incidental to the primary residential parcels. Therefore, the assessment will go directly to the source and assess the properties that benefit from the Zone's improvements and maintenance.

FORMULA OF ASSESSMENT

The District budget requirements for the special benefit improvement costs have been assembled in order to determine the aggregate levy of assessment for Landscape Lighting Act District No. 22 (1972 Act) by Zone. The total aggregate levy for each LLAD 22 Zone is divided by the number of assessment units to determine the assessment amount per unit. The assessment amount per unit is multiplied by the number of assessment units assigned to the parcel to determine each parcel's assessment. See Exhibit A for the Landscape Lighting Act District No. 22 (1972 Act) Assessments by Zone.

For example, a Zone that only has single-family residence parcels is assigned 1 assessment unit per parcel, and the assessment per parcel is calculated as follows:

$$\frac{\text{Zone Total Levy Amount}}{\text{Zone Total Assessment Units (Parcels)}} = \text{Assessment Amount per Unit (Parcel)}$$

**LANDSCAPE LIGHTING ACT DISTRICT NO. 24 (1972 ACT DISTRICT)
(LOST HILLS)**

METHOD OF APPORTIONMENT OF ASSESSMENTS

For the Fiscal Year 2015-16, the assessments in Landscape Lighting Act District No. 24 (LLAD 24) will be levied at the same rate as in Fiscal Year 2014-15 plus a 1.35% CPI annual inflation adjustment.

IMPROVEMENTS

LLAD 24 provides maintenance of landscape within street right-of-way and open space areas. The open space areas include slopes and creek banks. Maintenance of landscape on streets within right-of-way includes parkways, center medians, adjacent turf areas, trees, and annual weed abatement/brush clearance for fuel reduction/fire safety.

Roadways with landscape in the public right-of-way includes landscaped center medians, trees, and adjacent turf areas that are conditions of development and are maintained by the District to soften and mitigate the impacts of traffic on the residential tracts within the District. The landscape improvements are located on the residential roadway serving the Malibu Lost Hills community, including Lost Hills Road south of Malibu Hills Road to Las Virgenes Road, Calabasas Hills Road, Meadow Creek Lane, portions of Las Virgenes Road, and designated slope areas along Las Virgenes Creek.

LLAD 24 provides funding for the installation, maintenance, operation, and administration of the following landscape improvements:

“Improvement” means one or any combination of the following:

- The installation or planting of landscape;
- The installation of trees;
- The installation or construction of statuary, fountains, or other ornamental structures;
- The installation or construction, of public lighting facilities (*by City policy limited to lighting of parkland and major landscaping*);
- The installation or construction of facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance and servicing thereof, including, but not limited to grading, clearing, removal of debris, the installation or construction of curbs, gutters, sidewalks, walls, or paving, or water, irrigation, drainage or electrical facilities;
- The installation of park or recreational improvements;
- The maintenance or servicing, or both, of any of the foregoing;
- The acquisition of land for park, recreational, or open space purposes;
- The acquisition of any existing improvement otherwise authorized pursuant to section 22525 of the Streets and Highways Code.

“Maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for plant disease or injury;
- Repair, removal or replacement of all or any part of any improvement;
- The removal of weeds, trimmings, rubbish, debris, and other solid waste from landscape or hardscape;
- Cleaning and sandblasting to remove or cover graffiti;

- Exterior inspection and cleaning only of drainage structures; not interior inspection, repair or replacement;
- Annual weed abatement/brush clearance for fuel reduction/fire safety;
- Landscape rodent and pest control;
- Trimming or removal of trees.

“Servicing,” means the furnishing of:

- Water for the irrigation of any landscape, the operation of any fountains or the maintenance of any other improvements;
- Electrical to power irrigation systems, fountains, and landscape lighting.

METHODOLOGY

The following methodology described pertains to the Landscape Lighting Act District No. 24 (1972 Act) herein referred to in this section as LLAD 24. The landscape services provided to all properties within the district boundary have been reviewed to identify the General Benefit and Special Benefit conferred to each parcel.

GENERAL/SPECIAL BENEFIT

The local landscape improvements provide special benefits to the properties within those developments, and have no benefit to the public at large, to individuals rather than property, or to properties located outside of the district. The maintenance of landscape improvements within street right-of-way and open space located within the District are of direct and special benefit to the assessed properties. Consequently, 100% of these costs are allocated to special benefit, and the special benefits associated with the landscaped improvements include:

- The aesthetic desirability of parcels within the District is specifically enhanced by the presence of well-maintained open space, greenbelts, street medians, and frontage landscaping.
- Public rights-of-way with landscaped center medians, trees, and adjacent turf areas maintained by the District provide noise abatement and visual barrier to mitigate the negative impact of streets upon nearby parcels within the District.
- The special benefits derived from the maintenance of these landscape improvements provide environmental enhancement to nearby parcels through erosion control, dust and debris control, and weed abatement for safety.
- Additional special benefits of landscape maintenance are described earlier in this Report.

Other residential areas of the City that are not included in an assessment district receive a minimal standard of City-funded landscape maintenance. The standard City landscaping for streets includes minimal median and parkway landscape. The City policy, therefore, is to have homeowner associations or landscaping and lighting districts fund certain landscaping maintenance, enhancements, and servicing. As a result, there is no general benefit from the funded improvements.

FORMULA OF ASSESSMENT

In order for the methodology to be in compliance with Articles XIII C and XIII D enacted by Proposition 218, in 1997-98 a thorough study of the landscape provided to each Zone within the District was performed. Specific usage and services were identified by zones of benefit to determine the level of benefit received by each Zone within the District. The District was divided into naturally bounded communities, usually by tracts, but sometimes by street boundaries, and within each community, there is a single residential land use. The Zones located within the District are as follows:

Archstone Calabasas	Deer Springs	El Encanto	Lone Oak
Mira Monte	Saratoga Hills	Saratoga Ranch	Steeplechase

Residential Parcels within the District all receive direct and special benefit. All of the parcels in this District are residential and each parcel is assigned 1 Assessment Unit per parcel.

Public Agency parcels within the District that have people working on the premises and have parkway landscape maintained by the District that benefit from the landscape improvements to their parkway maintenance, similar to other parcels. However, at this time, there are no Public Agency parcels in LLAD 24.

Homeowner's Association and Common Area parcels within the District are not assessed. These parcels include large park parcels, small sliver parcels, and parking lot parcels that cannot be developed. These 'unbuildable' parcels do not receive a special benefit from the District's improvements and are not assessed. In many cases, the common area parcels provide the same use and function that the District funded improvements provide. In addition, the parcel owners paying the Homeowner's Association bill are already paying for the District's funded improvements by their parcel's assessment. The common area property is incidental to the primary residential parcels. Therefore, the assessment will go directly to the source and assess the properties that benefit from the Zone's improvements and maintenance.

The assessment per assessment unit is determined by dividing the total aggregate levy by Zone by the number of assessment units in the Zone. The assessment per parcel is determined by multiplying the assessment per assessment unit by the number of units assigned to the parcel. See Exhibit B for the Landscape Lighting Act District No. 24 (1972 Act) Assessments by Zone.

For example, a Zone that only has residential parcels is assigned 1 assessment unit per parcel, and the assessment per parcel is calculated as follows:

$$\frac{\text{Zone Total Levy Amount}}{\text{Zone Total Assessment Units (Parcels)}} = \text{Assessment Amount per Unit (Parcel)}$$

**LANDSCAPE LIGHTING ACT DISTRICT NO. 27 (1972 ACT DISTRICT)
(LAS VIRGENES)**

METHOD OF APPORTIONMENT OF ASSESSMENTS

For Fiscal Year 2015-16, the assessments in Landscape Lighting Act District No. 27 (LLAD 27) will be levied at the same rate as in Fiscal Year 2014-15 plus a 1.35% CPI annual inflation adjustment.

IMPROVEMENTS

LLAD 27 provides maintenance of landscape within street right-of-way. Maintenance of landscape on streets within right-of-way includes parkway, center medians, and street trees.

The area of landscape improvements are: On Las Virgenes Road, the east sidewalk and center medians beginning at 3560 Las Virgenes Road and continuing north to Thousand Oaks Blvd.; on Las Virgenes Road north of Thousand Oaks Blvd., the east sidewalk area north to the end of Las Virgenes Rd.; at the northwest corner of Thousand Oaks Blvd. and Ruthwood Drive the public right-of-way area located immediately behind the sidewalk; on the south side of Thousand Oaks Blvd., the sidewalk area from Las Virgenes Road to the flood control channel; and the sidewalk area on the north side of Thousand Oaks Blvd. from Las Virgenes Road to Ruthwood Drive.

LLAD 27 provides for the installation, maintenance, operation, and administration of the following landscape improvements:

“Improvement” means one or any combination of the following:

- The installation or planting of landscape;
- The installation of trees;
- The installation or construction of statuary, fountains, or other ornamental structures;
- The installation or construction, of public lighting facilities (*by City policy limited to lighting of parkland and major landscaping*);
- The installation or construction of facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance and servicing thereof, including, but not limited to grading, clearing, removal of debris, the installation or construction of curbs, gutters, sidewalks, walls, or paving, or water, irrigation, drainage or electrical facilities;
- The maintenance or servicing, or both, of any of the foregoing;
- The acquisition of any existing improvement otherwise authorized pursuant to section 22525 of the Streets and Highways Code.

“Maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal or replacement of all or any part of any improvement;
- The removal of weeds, trimmings, rubbish, debris, and other solid waste from landscape or hardscape;
- Cleaning and sandblasting to remove or cover graffiti;
- Landscape rodent and pest control;
- Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for plant disease or injury;
- Trimming or removal of trees.

“Servicing” means the furnishing of:

- Water for the irrigation of any landscaping, the operation of any fountains or the maintenance of any other improvements;
- Electrical to power irrigation systems, fountains, and landscape lighting.

METHODOLOGY

The following methodology described pertains to Landscape Lighting Act District No. 27 (1972 Act) herein referred to in this section as LLAD 27.

GENERAL BENEFIT/SPECIAL BENEFIT

The local landscape improvements provide special benefits to the properties within those developments, and have no benefit to the public at large, to individuals rather than property, or to properties located outside of the district. The landscape improvements within the street right-of-way located within the District are of direct and special benefit to the assessed properties. Consequently, 100% of these costs are allocated to special benefit. The special benefits of landscape maintenance are described earlier in this Report.

Other residential areas of the City that are not included in an assessment district receive a minimal standard of City-funded landscape maintenance. The standard City performed landscape for arterial streets in the City includes minimal median and parkway landscape maintenance. The City policy, therefore, is to have fronting property in the District fund the enhanced landscape maintenance, operation, and servicing of arterial streets. The parcels in the District are funding only the cost of their frontage landscape maintenance. As a result, there is no General Benefit from the funded improvements.

FORMULA OF ASSESSMENT

In order for the methodology to be in compliance with Articles XIII C and XIII D enacted by Proposition 218, in 1997-98 a thorough study of the landscape provided to zones of benefit within the District was performed. Specific usage and services were identified for each Zone to determine the level of benefit received by each Zone within LLAD 27. The District was divided into naturally bounded neighborhoods, usually by tracts, but sometimes by street boundaries, and within each neighborhood there is a single land use, and each parcel is assigned 1 assessment unit. The Zones are as follows:

Casden Malibu Canyon LP
Las Virgenes Park
Las Virgenes Village

Public Agency parcels within the District that have people working on the premises and have parkway landscape maintained by the District that benefit from the landscape improvements to their parkway maintenance, similar to other parcels. There are no Public Agency parcels in LLAD 27 at this time.

Homeowner's Association and Common Area parcels within the District that are not assessed. These parcels include large park parcels, small sliver parcels, and parking lot parcels that cannot be developed. These ‘unbuildable’ parcels do not receive a special benefit from the District’s improvements and are not assessed. In many cases, the common area parcels provide the same use and function that the District funded improvements provide. In addition, the parcel owners paying the Homeowner's Association bill are already paying for the District’s funded improvements by their parcel’s assessment. The common area parcel is incidental to the primary residential parcels.

Therefore, the assessment will go directly to the source and assess the parcels that benefit from the Zone's improvements and maintenance.

The assessment per assessment unit is determined by dividing the total aggregate levy by Zone by the number of assessment units in the Zone. The assessment per parcel is determined by multiplying the assessment per assessment unit by the number of units assigned to the parcel. See Exhibit C for the Landscape Lighting Act District No. 27 (1972 Act) Assessments by Zone.

For example, a Zone that only has single family residence parcels is assigned 1 assessment unit per parcel, and the assessment per parcel is calculated as follows:

$$\frac{\text{Zone Total Levy Amount}}{\text{Zone Total Assessment Units (Parcels)}} = \text{Assessment Amount per Unit (Parcel)}$$

**CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NO. 32 (1972 ACT DISTRICT)
(AGOURA ROAD / LOST HILLS ROAD COMMERCIAL DISTRICT)**

METHOD OF APPORTIONMENT OF ASSESSMENTS

For the Fiscal Year 2015-16, the assessments in Landscape Lighting Act District No. 32 (LLAD 32) will be levied at the same rate as in Fiscal Year 2014-15 plus a 1.35% annual CPI inflation adjustment.

IMPROVEMENTS

LLAD 32 provides maintenance of landscape within street right-of-way. Maintenance of landscape of street medians and street trees.

The landscape improvements maintained by the District are located on the major streets serving the Lost Hills Commercial Area, including Agoura Road from the west side of Malibu Hills Road to the eastern boundary of 26750 Agoura Road, Malibu Hills Road, Shadow Hills Road, and the portion of Lost Hills Road from Interstate 101 to the south side of Malibu Hills Road.

LLAD 32 provides for funding for the installation, maintenance, operation, and administration of the following landscape improvements:

“Improvement” means one or any combination of the following:

- The installation or planting of landscape;
- The installation of trees;
- The installation or construction, of public lighting facilities (*by City policy limited to lighting of parkland and major landscaping*);
- The installation or construction of facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance and servicing thereof, including, but not limited to grading, clearing, removal of debris, the installation or construction of curbs, gutters, sidewalks, walls, or paving, or water, irrigation, drainage or electrical facilities;
- The maintenance or servicing, or both, of any of the foregoing;
- The acquisition of any existing improvement otherwise authorized pursuant to section 22525 of the Streets and Highways Code.

“Maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal or replacement of all or any part of any improvement;
- The removal of weeds, trimmings, rubbish, debris, and other solid waste from landscape or hardscape,
- Cleaning and sandblasting to remove or cover graffiti;
- Landscape rodent and pest control;
- Providing for the life, growth, health, and beauty of landscaping, including cultivation irrigation, irrigation, trimming, spraying, fertilizing, or treating for plant disease or injury;
- Trimming or removal of trees.

“Servicing” means the furnishing of:

- Water for the irrigation of any landscaping, the operation of any fountains or the maintenance of any other improvements;
- Electrical to power irrigation systems, fountains, and landscape lighting.

METHODOLOGY

The following methodology described pertains to the Landscape Lighting Act District No. 32 (1972 Act) herein referred to in this section as LLAD 32.

GENERAL BENEFIT/SPECIAL BENEFIT

The local landscape improvements provide special benefits to the properties within those developments, and have no benefit to the public at large, to individuals rather than property, or to properties located outside of the district. The landscape improvements of the common areas located within member homeowner associations are of direct and special benefit to the assessed properties. Consequently, 100% of these costs are allocated to special benefit. The special benefits of landscape maintenance are described earlier in this Report.

FORMULA OF ASSESSMENT

In order for the methodology to be in compliance with Articles XIII C and XIII D enacted by Proposition 218, in 1997-98 a thorough study of the landscape provided to the District was performed. Specific usage and services were identified to determine the level of benefit each parcel within the District receives. These costs are apportioned to each parcel based on the Special Benefit associated with the type of land use. Two land uses exist in LLAD 32: Commercial and Public Agency (a sheriff station and a community center).

Because there is basically a single land use in the District, commercial, each parcel is assigned 1 assessment unit. The assessment levy is spread equally to each parcel. The only nonconforming land use in the District is related to the Community Center, which is owned by the City of Calabasas and the City of Agoura Hills. The Community Center parcel's frontage landscape will be funded by the District, similar to the commercial properties in the District. Therefore, the Community Center benefits from the assessment and will be assessed as a parcel.

Common Area or Easement parcels within the District include primarily open space parcels that cannot be developed and parking lots that are considered 'unbuildable'. These parcels do not receive special benefit and will not be assessed. In many cases, the common area parcels provide the same use and function that the District funded improvements provide. Furthermore, these parcels are incidental to the primary parcels. Therefore, the assessment will go directly to the source and assess the parcels that benefit from the Districts improvements and maintenance.

The assessment per assessment unit is determined by dividing the total aggregate levy by parcel by the number of assessment units in the District. The assessment per parcel is determined by multiplying the assessment per assessment unit by the number of units assigned to the parcel. See Exhibit D for the Landscape Lighting Act District No. 32 (1972 Act) Assessments by parcel.

For example, a District that only has commercial land use parcels is assigned 1 assessment unit per parcel, and the assessment per parcel is calculated as follows:

$$\frac{\text{District Total Levy Amount}}{\text{District Total Assessment Units (Parcels)}} = \text{Assessment Amount per Unit (Parcel)}$$

ASSESSMENT ROLL

The proposed amounts of assessment for the Fiscal Year 2015-16 Landscape Lighting Act Districts are apportioned to each parcel as shown on the latest roll at the County of Los Angeles Assessor's office and submitted in a separate document titled "City of Calabasas Landscaping Lighting Act District Nos. 22, 24, 27 and 32 Assessment Rolls" on file with the City Clerk.

In conclusion, it is my opinion that the assessments within the City of Calabasas Landscape Lighting Act District Nos. 22, 24, 27, and 32 are apportioned by a formula that fairly distributes special benefit assessments in accordance with the special benefits that are received by each parcel.

ENGINEER'S REPORT SUBMITTED BY:



Lisa M. Penna., P.E., R.C.E. No. 59166 May 27, 2015

**CITY OF CALABASAS
LANDSCAPE AND LIGHTING DISTRICTS
FINAL ENGINEER'S REPORT
FISCAL YEAR 2015-16**

ANNEXATIONS AND DETACHMENTS

Annexation of territory to an existing assessment district is provided by the 1972 Act, commencing with Section 22605. The 1972 Act further provides that an assessment district may consist of contiguous or non-contiguous areas. Annexation proceedings are limited to the territory proposed to be annexed. The history of annexations and detachments are listed as follows:

LLAD 22 (1972 ACT DISTRICT)

For 2002-03 fiscal year, fifteen (15) parcels located in the City of Calabasas were annexed into the Commercial Area, Calabasas Road. The Assessor Parcel Numbers are as follows:

2068-002-023	2069-009-021	2069-009-900
2068-002-035	2069-009-027	2069-032-025
2069-009-008	2069-009-029	2069-032-027
2069-009-012	2069-009-030	2069-032-900
2069-009-020	2069-009-031	2069-032-901

For 2009-10 fiscal year, Zone 15, Park Sorrento Condominium HOA was detached from LLAD 22.

For 2011-12 fiscal year, Zone 18, Calabasas Ridge HOA was detached from LLAD 22.

LLAD 24 (1972 ACT DISTRICT)

For 2000-01 fiscal year, Mira Monte (Tract No. 52150) (Assessor's Parcel No. 2064-004-91 and its successor parcels) was annexed into LLAD 24.

For 2000-01 fiscal year, Zone, Calabasas View HOA, was detached from LLAD 24.

For 2002-03 fiscal year, two hundred seventy (270) parcels in Saratoga Ranch and Saratoga Hills HOAs were annexed into LLAD 24.

LLAD 27 (1972 ACT DISTRICT)

No annexations or detachments to date.

LLAD 32 (1972 ACT DISTRICT)

For 2000-01 fiscal year, Mira Monte (Tract No. 52150) (Assessor's Parcel No. 2064-004-91 and its successor parcels) was detached from LLAD 32 and annexed into LLAD 24.

EXHIBITS A, B, C, & D

LANDSCAPE LIGHTING ACT DISTRICTS (1972 ACT DISTRICTS)

MAINTENANCE COSTS AND ASSESSMENTS BY ZONES

EXHIBIT A
City of Calabasas LLAD 22
Maintenance Costs and Assessment by Zone

ZONE	FY 15-16 Maintenance Costs & Benefit Assessment	Land Use	No. of Parcels	No. of Acres	FY 14-15 Asmt Rate (includes 1.08% CPI Increase)	FY 15-16 Asmt Rate (includes 1.35% CPI Increase)	Per Parcel/ Acre
Bellagio	\$ 147,886.40	SFR	160		\$ 911.97	\$ 924.29	Parcel
Calabasas Country Estates	\$ 60,872.40	SFR	37		\$ 1,623.28	\$ 1,645.20	Parcel
Calabasas Hills	\$ 364,300.30	SFR	490		\$ 733.56	\$ 743.47	Parcel
Classic Calabasas Park	\$ 369,028.92	SFR	458		\$ 795.00	\$ 805.74	Parcel
Calabasas Park Estates	\$ 426,126.25	SFR	425		\$ 989.29	\$ 1,002.65	Parcel
Calabasas Rd Comm / Old Town	\$ 37,062.26	Commercial	66	117.89	\$ 310.19	\$ 314.38	Acre
Clairidge	\$ 130,619.50	SFR	34		\$ 3,790.57	\$ 3,841.75	Parcel
Las Villas	\$ 114,284.01	SFR	89		\$ 1,266.98	\$ 1,284.09	Parcel
Oak Creek	\$ 7,711.20	Condo	17		\$ 447.55	\$ 453.60	Parcel
Oak Park	\$ 174,923.60	Condo	268		\$ 644.00	\$ 652.70	Parcel
Palatino	\$ 89,216.40	SFR	120		\$ 733.56	\$ 743.47	Parcel
The Oaks of Calabasas	\$ 414,856.26	SFR	558		\$ 733.56	\$ 743.47	Parcel
Vista Pointe	\$ 297,194.94	SFR	189		\$ 1,551.51	\$ 1,572.46	Parcel
Westridge	\$ 177,479.01	SFR	111		\$ 1,577.61	\$ 1,598.91	Parcel
TOTAL	\$ 2,811,561.45		3,022	117.89			

Detailed LLAD Operation and Maintenance Landscaping Services budgets are on file at the City.

EXHIBIT B
City of Calabasas LLAD 24
Maintenance Costs and Assessment by Zone

ZONE	FY 15-16 Maintenance Costs & Benefit Assessment	Land Use	No. of Parcels	Dwelling Units	FY 14-15 Asmt Rate Per Dwelling Units (1.08% CPI increase)	FY 15-16 Asmt Rate Per Dwelling Units (1.35% CPI increase)
Deer Springs	\$ 42,061.74	Residential	301	301	\$ 137.87	\$ 139.74
Steeplechase	\$ 33,537.60	Residential	240	240	\$ 137.87	\$ 139.74
El Encanto	\$ 6,008.82	Residential	43	43	\$ 137.87	\$ 139.74
Archstone Calabasas	\$ 83,844.00	Residential	2	600	\$ 137.87	\$ 139.74
Lone Oak	\$ 6,707.52	Residential	48	48	\$ 137.87	\$ 139.74
Mira Monte (Tract 52150)	\$ 4,751.16	Residential	34	34	\$ 137.87	\$ 139.74
District 24 Subtotal	\$ 176,910.84		668	1,266		
Saratoga Ranch	\$ 2,276.05	Residential	49	49	\$ 45.83	\$ 46.45
Saratoga Hills	\$ 10,265.45	Residential	221	221	\$ 45.83	\$ 46.45
Saratogas Subtotal	\$ 12,541.50		270	270		
DISTRICT TOTAL	\$ 189,452.34		938	1,536		

Detailed LLAD Operation and Maintenance Landscaping Services budget is on file at the City.

EXHIBIT C
City of Calabasas LLAD 27
Maintenance Costs and Assessment by Zone

ZONE	FY 15-16 Maintenance Costs & Benefit Assessment	No. of Parcels	FY 14-15 Asmt Rate Per Parcel (1.08% CPI Increase)	FY 15-16 Asmt Rate Per Parcel (1.35% CPI Increase)
Casden Malibu Canyon	\$ 313.50	3	\$ 103.11	\$ 104.50
Las Virgenes Park	\$ 15,048.00	144	\$ 103.11	\$ 104.50
Las Virgenes Village	\$ 16,929.00	162	\$ 103.11	\$ 104.50
TOTAL	\$ 32,290.50	309		

Detailed LLAD Operation and Maintenance Landscaping Services budget is on file at the City.

EXHIBIT D
City of Calabasas LLAD 32
Maintenance Costs and Assessment

ZONE	FY 15-16 Maintenance Costs and Benefit Assessment	Land Use	No. of Parcels	FY 14-15 Asmt Rate Per Parcel (1.08% CPI Increase)	FY 15-16 Asmt Rate Per Parcel (1.35% CPI Increase)
TOTAL	\$ 33,095.53	Commercial	19	\$ 1,718.67	\$ 1,741.87

20 Parcel numbers to be assessed. Two parcel numbers share one parcel. Total number of parcels equals 19.

Detailed LLAD Operation and Maintenance Landscaping Services budget is on file at the City.



EXHIBIT E
DISTRICT NO. 22 ASSESSMENT RATES HISTORY

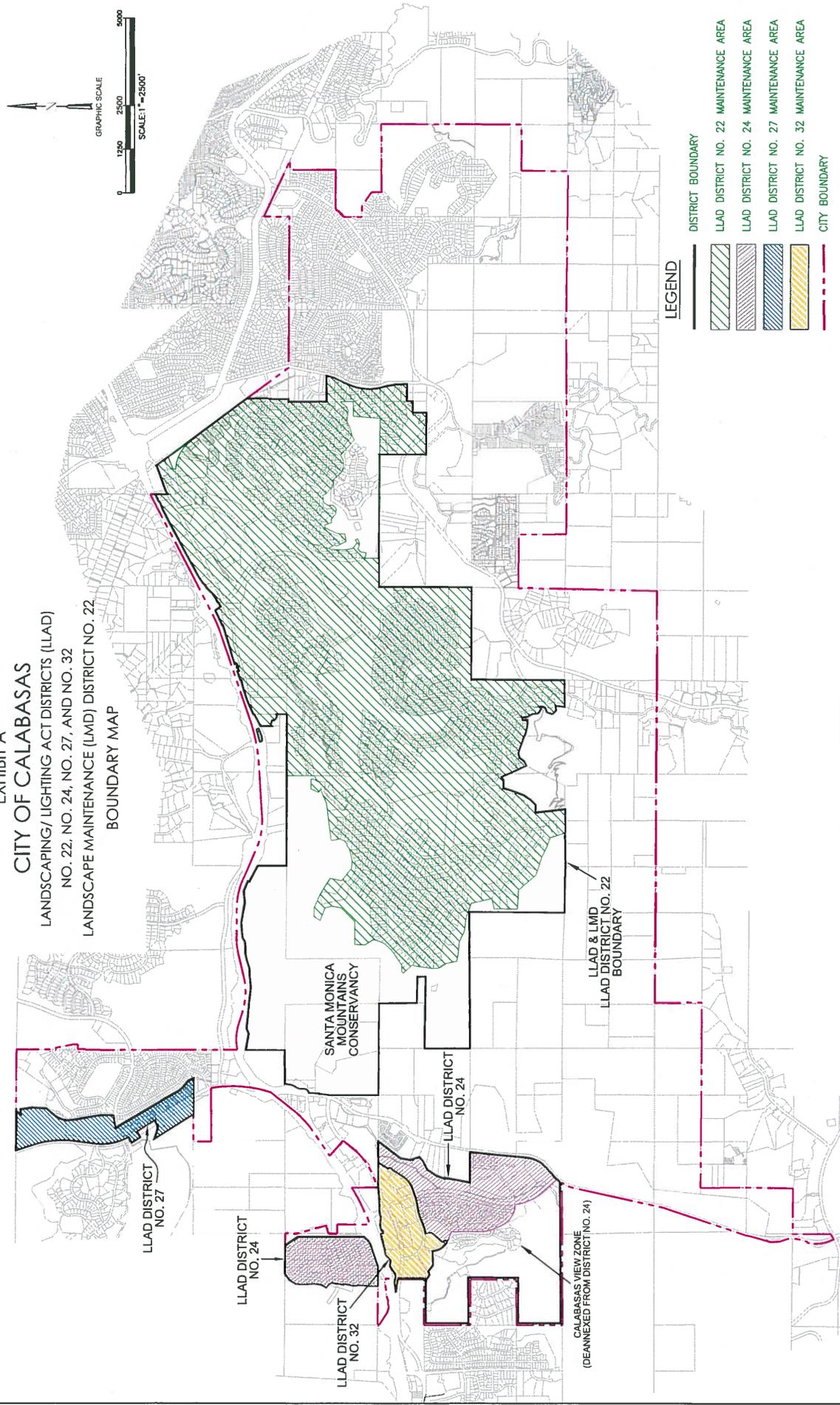
CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NO. 22 (LLAD 22)
HISTORY - ASSESSMENT RATES

Fiscal Year	Prop 218 Assessment Increases & Annual CPI Increases Per Parcel	Calabasas Country Estates	Calabasas Hills	Classic Calabasas Park	Calabasas Park Estates	Calabasas Ridge (Detached from District 2011-12)	Cal Road Commercial / Old Town Master Plan Area Formed 1997-98)	Clairidge (Formed 1996-97)	Creekside (Detached from District 1997-98)	Las Villas	Oak Creek	Oak Park	Palatino	Park Sorrento (Detached from District 2009-10)	The Oaks of Calabasas	The Oaks II (Vacant land Asmt per acre)	Vista Pointe	Westridge
1995 - 1996		621.43	621.43	621.43	621.43	621.43		N/A	621.43	621.43	621.43	621.43	621.43	621.43	621.43	N/A	621.43	621.43
1996 - 1997		621.43	621.43	621.43	621.43	621.43			621.43	621.43	621.43	621.43	621.43	621.43	621.43	N/A	621.43	621.43
1997 - 1998		621.43	621.43	621.43	621.43	1,023.73	172.92 per acre	2,500.00	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	621.43	621.43
1998 - 1999		621.43	621.43	621.43	621.43	1,023.73	172.92 per acre	2,500.00	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	621.43	621.43
1999 - 2000		621.43	621.43	621.43	621.43	1,023.73	172.92 per acre	2,500.00	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	621.43	621.43
2000 - 2001		621.43	621.43	621.43	621.43	1,023.73	172.92 per acre	2,500.00	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	621.43	621.43
2001 - 2002	Prop 218 - Majority Vote	Yes	Yes	Yes	Yes	Yes	No	Yes									Yes	Yes
2001 - 2002	Final Asmts	772.56	764.03	621.43	621.43	1,948.37	Not Assessed	3,211.15	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	1,314.35	779.26
2002 - 2003	Prop 218 - Majority Vote						Yes											
2002 - 2003	Final Asmts	772.56	764.03	621.43	621.43	1,948.37	262.76 per acre	3,211.15	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	1,314.35	779.26
2003 - 2004		772.56	764.03	621.43	621.43	1,948.37	262.76 per acre	3,211.15	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	1,314.35	779.26
2004 - 2005		772.56	764.03	621.43	621.43	1,948.37	262.76 per acre	3,211.15	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	1,314.35	779.26
2005 - 2006		772.56	764.03	621.43	621.43	1,948.37	262.76 per acre	3,211.15	NAP	621.43	379.12	545.54	621.43	362.78	621.43	19.15	1,314.35	779.26
2006 - 2007	Prop 218 - Majority Vote	Yes	Yes	Yes	Yes	Yes	No	Yes									No	Yes
2006 - 2007	Final Asmts	772.56	988.91	621.43	621.43	1,948.37	262.76 per acre	3,211.15	NAP	1,073.31	379.12	545.54	621.43	362.78	621.43	19.15	1,314.35	779.26
2007 - 2008	Prop 218 - Majority Vote			No	No													
2007 - 2008	Final Asmts & CPI increase for all Zones	805.48	1,031.05	647.91	647.91	2,031.40	273.96 per acre	3,348.00	NAP	1,119.05	395.28	568.79	647.91	378.24	647.91	N/A - all 98% developed - See Data	1,370.36	812.47
2008-2009	Prop 218 - Majority Vote	Yes	Yes	Yes	No	No									No			Yes
2008 - 2009	Final Asmts & CPI increase for all Zones	831.90	1,364.87	689.16	700.69	2,098.03	282.95 per acre	3,457.81	NAP	1,155.75	408.25	587.45	689.16	390.65	689.16	-	1,415.31	1,439.12
2009-2010	Prop 218 - Majority Vote	No	No															
2009 - 2010	Final Asmts & CPI increase for all Zones	861.27	1,413.05	692.78	725.42	2,172.09	292.94 per acre	3,579.87	NAP	1,196.55	422.66	608.19	692.78	NAP	692.78	-	1,465.27	1,489.92
2010-2011	Prop 218 - Majority Vote	No	Yes															
2010-2011	Final Asmts for all Zones (no CPI increase)	861.27	1,533.05	692.78	725.42	2,172.09	292.94 per acre	3,579.87	NAP	1,196.55	422.66	608.19	692.78	NAP	692.78	-	1,465.27	1,489.92
2011-2012	Asmts for all Zones (no CPI increase)	861.27	1,533.05	692.78	725.42	2,172.09	292.94 per acre	3,579.87	NAP	1,196.55	422.66	608.19	692.78	NAP	692.78	-	1,465.27	1,489.92
2011-2012	Survey Ballot Ridge voted to be Removed from LLAD 22					NAP												
2012-2013	Asmts for all Zones (2.67 % CPI increase)	884.27	1,573.98	711.28	744.79	872.04	300.76	3,875.45	NAP	1,228.50	433.95	624.43	711.28	NAP	711.28	-	1,504.39	1,529.70
2013-2014	Asmts for all Zones (2.03 % CPI increase)	902.22	1,605.93	725.72	759.91	978.71	306.87	3,750.06	NAP	1,253.44	442.76	637.11	725.72	NAP	725.72	-	1,534.93	1,560.75
2013-2014	Prop 218 - Majority Vote				Yes													
2014-2015	Asmts for all Zones (1.08 % CPI increase)	\$ 911.97	\$ 1,623.28	\$ 733.56	\$ 795.00	\$ 989.29	\$ 310.19	\$ 3,760.57	NAP	\$ 1,266.98	\$ 447.55	\$ 644.00	\$ 733.56	NAP	\$ 733.56		\$ 1,551.51	\$ 1,577.61
2014-2015	Prop 218 - Majority Vote	Yes	Yes	Yes	Yes	Yes	Yes	Yes									No	Yes
2015-2016	Asmts for all Zones (1.35 % CPI increase)	\$ 924.29	\$ 1,645.20	\$ 743.47	\$ 805.74	\$ 1,002.65	\$ 314.38	\$ 3,841.75	NAP	\$ 1,284.09	\$ 463.60	\$ 652.70	\$ 743.47	NAP	\$ 743.47		\$ 1,572.46	\$ 1,598.91

EXHIBIT F

LANDSCAPE LIGHTING ACT DISTRICTS BOUNDARY DIAGRAM

EXHIBIT A
 CITY OF CALABASAS
 LANDSCAPING/ LIGHTING ACT DISTRICTS (LLAD)
 NO. 22, NO. 24, NO. 27, AND NO. 32
 LANDSCAPE MAINTENANCE (LMD) DISTRICT NO. 22
 BOUNDARY MAP



LEGEND

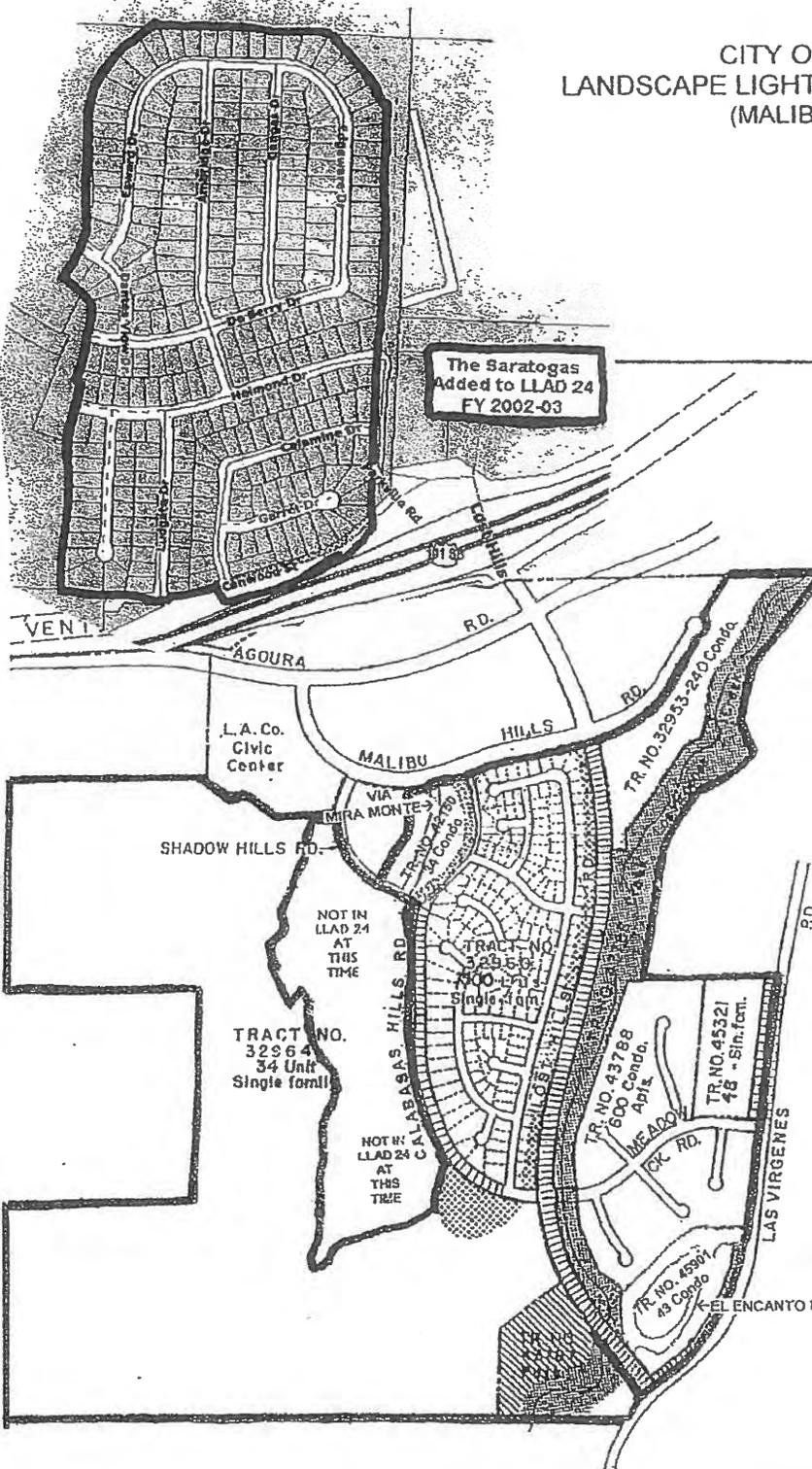
(Solid black line)	DISTRICT BOUNDARY
(Green diagonal lines)	LLAD DISTRICT NO. 22 MAINTENANCE AREA
(Purple diagonal lines)	LLAD DISTRICT NO. 24 MAINTENANCE AREA
(Blue diagonal lines)	LLAD DISTRICT NO. 27 MAINTENANCE AREA
(Yellow diagonal lines)	LLAD DISTRICT NO. 32 MAINTENANCE AREA
(Dashed red line)	CITY BOUNDARY

FOR THE LINES AND DIMENSIONS OF EACH PARCEL WITHIN THE DISTRICT'S SEE THE LOS ANGELES COUNTY ASSESSOR'S PARCEL MAPS WHICH ARE HEREBY MADE PART OF THIS DIAGRAM.

ANDERSON-PENNA PARTNERS, INC.
 309 AGATE STREET
 LAGUNA BEACH, CA 92651
 T: (949) 371-7579
 F: (949) 376-7511



CITY OF CALABASAS
 LANDSCAPE LIGHTING ACT DISTRICT NO. 24
 (MALIBU LOST HILLS)



The Saratogas
 Added to LLAD 24
 FY 2002-03

LEGEND

- PLANTED SLOPE: 2.53 Ac.
- CREEK AREA: 6.0 Ac.
- PARK (TURF): 8.5 Ac.
- STREET TREES & WELLS: 345

PLANTED MEDIANS & PARKWAYS (TURF): 1.61 Ac.

LOT BOUNDARIES

DISTRICT BOUNDARY

APPROXIMATE QUANTITIES

- 5 - CONTROLLERS
- 70 - VALVES
- 1150 - HEADS



(NO SCALE)

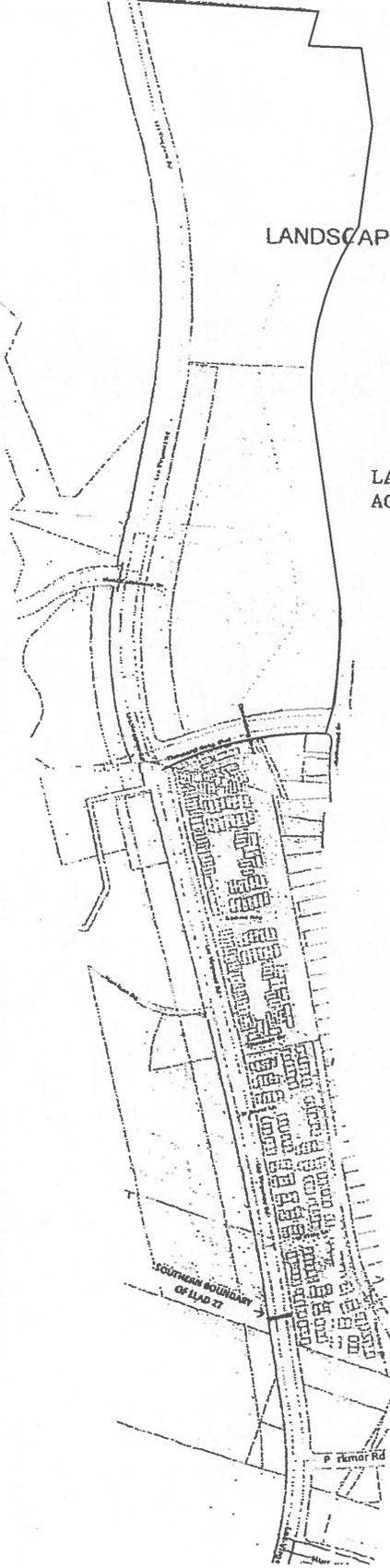
**EXHIBIT A
 MALIBU
 LOST HILLS
 L.L.A. DISTRICT No. 24**

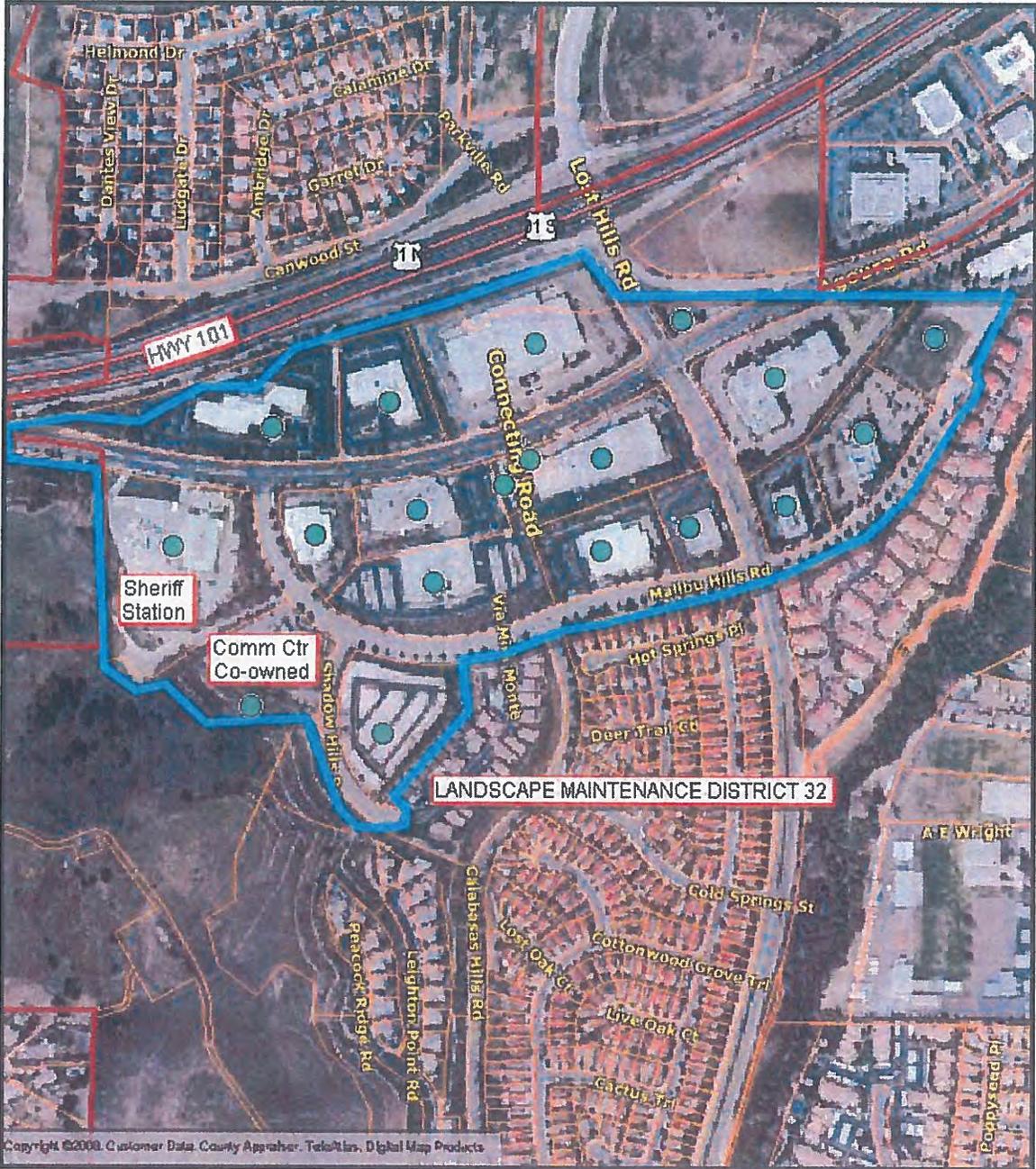
B & E ENGINEERS
 Civil Engineering - Surveying
 Land Planning

876 Colorado Blvd. • Suite 232
 Los Angeles, CA 90044 • (310) 254-8131 • (818) 800-0217

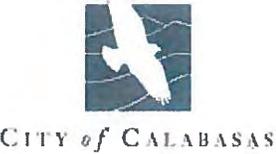
CITY OF CALABASAS
LANDSCAPE LIGHTING ACT DISTRICT NO. 27
(LAS VIRGENES)

LANDSCAPE LIGHTING
ACT DISTRICT NO. 27





The nineteen parcels
that make up Landscape
Maintenance District 32



Encompasses Malibu Hills Rd,
Shadow Hills Rd & portions of
Lost Hills Rd & Agoura Rd

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CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: JUNE 1, 2015

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: TALYN MIRZAKHANIAN, SENIOR PLANNER

SUBJECT: AN APPEAL OF PLANNING COMMISSION'S DECISION TO CERTIFY THE ADEQUACY OF AN ENVIRONMENTAL IMPACT REPORT AND APPROVE A PROJECT APPLICATION FOR: (1) A SITE PLAN REVIEW; (2) A VARIANCE (TO BUILD ON A SIGNIFICANT RIDGELINE); (3) AN OAK TREE PERMIT (TO ENCROACH INTO THE PROTECTED ZONE OF 25 OAK TREES AND FOR POTENTIAL THINNING OF SCRUB OAK AS NECESSARY FOR FUEL MODIFICATION); AND (4) A SCENIC CORRIDOR PERMIT (FOR DEVELOPMENT WITHIN A DESIGNATED SCENIC CORRIDOR) TO ALLOW FOR CONSTRUCTION OF A 7,633 SQ. FT. SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 661 SQ. FT. GARAGE, 1,320 SQ. FT. BASEMENT, AND APPURTENANT ACCESSORY STRUCTURES ON A PREVIOUSLY GRADED PAD ON AN EXISTING LEGAL 5-ACRE LOT LOCATED AT 3121 OLD TOPANGA CANYON ROAD (APN 2072-023-013) WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND SCENIC CORRIDOR (SC) OVERLAY ZONE.

MEETING DATE: JUNE 10, 2015

DATE:

SUMMARY RECOMMENDATION:

That the City Council adopt City Council Resolution No. 2015-1465 (Attachment A), denying the appeal and upholding the Planning Commission's decision to certify adequacy of the Final Environmental Impact Report and approve all requested entitlement permits as described above, for File No. 130000718 associated with the proposed project located at 3121 Old Topanga Canyon Road.

BACKGROUND:

The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and a swimming pool and spa on a vacant but disturbed 5-acre legal lot located at 3121 Old Topanga Canyon Road. The project also involves vegetation removal for brush clearance, minor grading, landscape and hardscape installation, and off-site work required to extend infrastructure (potable water and electricity) to the site. As part of the project, the applicant is proposing to provide an easement across the property to provide trail access to Santa Monica Mountains Conservancy lands nearby. The project site is located on a "significant ridgeline," as identified in the Open Space Element of the City's 2030 General Plan. Requested discretionary approvals include: 1) a Site Plan Review; 2) a Scenic Corridor Permit; 3) a Variance to build on a significant ridgeline; and 4) an Oak Tree Permit.

In 1980, before incorporation of the City of Calabasas, the County of Los Angeles approved Parcel Map 11026, which subdivided the area containing the project site into four legal parcels. The approved map included a proposed access driveway as well as proposed building pads for three of the four parcels, including the subject parcel. A subsequent Amending Parcel Map 11026 was approved by the County and recorded in 1990. The Amending Parcel Map increased the length and changed the alignment of the access driveway and relocated the building pad on Parcel 1 (the project site) to the ridgeline. The County then issued grading permits for construction of the three building pads, the access driveway, and a v-ditch system for drainage to serve each of the parcels. Grading of the three building pads and construction of the driveway and drainage facilities followed shortly after. The pads (including the subject property's pad and attendant drainage system and driveway) were certified by the County in 1991. Since that time, the properties have remained unchanged and no homes were constructed. On March 30, 2015, and per the request of the Planning Commission, the City Engineer issued a memorandum confirming that the grading on the subdivision, recorded as Parcel Map 11026, and inclusive of the subject site, was performed legally and with all applicable permits and certifications having been obtained. The City Engineer's memorandum and all attachments are included as Attachment D.

Prior to submitting an official application to the Planning Division, the applicant requested a pre-application meeting with Planning staff to receive direction on a conceptual plan they had developed for the subject property. The conceptual plan included a home that was approximately 12,000 square-feet in size (5,000 square-feet larger than the current proposal). Staff requested a significant reduction in the size of the home, aiming to minimize its visual and physical impact on the ridgeline location. The official project application was first submitted to the Planning Division, shortly after, on June 10, 2013. In addition to being 5,000 square-feet

smaller than the conceptual design, the proposed footprint was revised and heavily articulated so as to set back the peak of the roof from the edge of the ridgeline and to align it with the ridgeline profile to reduce its visibility from downslope locations.

The proposed project was reviewed by the Development Review Committee (DRC) on July 2, 2013, and again on September 3, 2013. The Architectural Review Panel (ARP) reviewed the project on October 4, 2013, and again on January 24, 2014, at which time the Panel recommended approval of the project contingent on some suggested plant materials. Plans resubmitted by the applicant on March 7, 2014 reflected the Panel's recommendations. The application was deemed complete on June 4, 2014.

In March 2014, City environmental consultants Envicom Corporation began preparing the Draft Initial Study for the proposed project. A Notice of Preparation of a Draft Environmental Impact Report (DEIR) was released on May 30, 2014; and a scoping meeting was held on June 12, 2014. The public circulation period for the Initial Study ended on June 30, 2014. The DEIR was made available for public review on September 3, 2014; the review period ended on October 20, 2014. Comments sent to Planning staff were responded to and incorporated in the Final EIR (FEIR), attached as Attachment E.

The proposed project was reviewed by the Planning Commission at noticed public hearings held on January 15, 2015, March 5, 2015, and April 30, 2015. After the March 5th public hearing, Commissioners requested to visit the subject property. Staff scheduled three separate site visits and accompanied the Commissioners, two at a time, on a walk-through of the subject property. At the conclusion of April 30th public hearing, the Commission voted (4-1) to certify the adequacy of the EIR and approve the project, inclusive of all requested entitlements. The Planning Commission's resolution of approval is attached as Attachment C. An appeal of the Planning Commission's decision was submitted by the Calabasas Highlands and Old Topanga Homeowners' Associations on May 8, 2015 (see Attachment L).

DISCUSSION/ANALYSIS:

- A. Site Design/Building Layout:** The project proposes construction of a 7,633 square-foot single-family residence with an attached 661 sq. ft. garage, 1,320 sq. ft. basement, and appurtenant accessory structures (pool and spa) on an existing 5-acre lot (see Attachment B for site plan and floor plans). The project site is a previously disturbed parcel, which has an existing, legal, graded building pad approximately 22,000-square-feet in size, located on the ridgeline alignment, and is served by an existing private, paved access driveway and v-ditch drainage facilities, all of which were constructed in 1991. With the exception of the 22,000 square-foot flat building pad, the

Project site is characterized by steep slopes, with rugged topography on the south slope and a graded north slope. The 22,000-square-foot building pad is largely unvegetated with exposed soil. The applicant is proposing to utilize the existing, certified building pad to: (1) minimize the need for additional landform alterations and grading; (2) balance cut and fill; and (3) limit import/export. The home is situated on the pad so as to minimize impacts to views from the Old Topanga Canyon Road scenic corridor by maintaining a single-story, appropriately oriented profile that follows the original ridgeline topography, consistent with the City's Scenic Corridor design guidelines. The home's articulated, four-wing design minimizes its massing and impacts on the scenic corridor. An in-ground swimming pool is proposed on the south side of the building pad; and an in-ground spa is proposed near the northeast corner of the building pad.

The footprint of the proposed structure would cover approximately 6,844 square-feet of the site, for a site coverage calculation of 3.56%; and the total floor area proposed results in a Floor Area Ratio (FAR) calculation of 0.05 (based on a net site area of 4.41 acres). The Land Use and Development Code does not set a maximum FAR or site coverage standard for development in the HM zoning district; therefore development size is limited via other standards, such as setbacks, height, and permeability.

The project will provide 93.46% permeable surfaces, in conformance with the Code's minimum requirement of 86% permeable surfaces for the HM zoning district. The structure is set back a minimum of 50 feet from the front (east) property line, 70.4 feet from the rear (west) property line, 179.6 feet from the northern side property line, and 482.5 feet from the southern side property line. Section 17.16.020 of the Municipal Code requires that a structure in the HM zone be set back a minimum of 50 feet from the front and rear property lines and 25 feet from the side property lines. The proposed project complies with the applicable setback standards. The proposed building ranges in height from 10 feet to 25 feet above natural or existing grade (whichever is lower), in compliance with the maximum height limit for the HM zoning district, which is 25 feet.

- B. Architecture/ Building Design:** The home's architecture is the product of an iterative process between the applicant, City staff, and the Architectural Review Panel (ARP). The primary goal was to achieve an architectural design that would minimize visual and physical impacts on its ridgeline location. To that end, the home originally proposed was reduced in size by approximately 5,000 square feet and its footprint revised and heavily articulated to set back the peak of the roof from the edge of the ridgeline

and to align it with the original ridgeline profile so as to reduce its visibility from downslope locations.

The architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible, as required by the City's hillside design standards. Four wings branch off from the core of the residence. The wings of the home extend diagonally from the central core to the edge of the building envelope, creating deep courtyard setbacks between the wings and the central core, and providing wide separations between the wings along the east/west axis. Deep, low hanging eaves characterize the edge of the roofline of each wing of the house. These roofs increase gradually in height from 10 feet above grade at the outside edge to 25 feet above grade where the wing's roof merges with the core's peak roofline. In this manner, each wing at the northwest, southwest, northeast, and southeast edge of the building pad appears to be an independent home with a relatively small footprint when viewed from a downslope location. Meanwhile, the other protruding wings are out of view entirely, making the entire home appear much smaller. Along the east/west alignment of the home the wings are separated by approximately 60 - 70 feet, while the separation on the north/south axis is approximately 25 feet.

Only a single story elevation is visible when the home is viewed from the south because lower levels are only constructed under the northwest and northeast wings. These wings step down the north slope approximately 10 feet below the edge of building pad, extending out over the edge of the ridgeline between 10 and 36 feet, inclusive of decks. At the same time, the outside edge of the south facing wings are set back from the edge of the building pad a distance of approximately 40 feet. The lower and main level wing on the northeast side of the home (a two story elevation approximately 25 feet in height) is visible only from north and east downslope locations; however, a landscape buffer will screen the home and reduce visibility from the downslope northeast locations. The lower level constructed under the northwest wing is a basement that is fully concealed below ground. The orientation of the peak roofline parallels the orientation of the ridgeline for a distance of 70 feet before sloping down diagonally over the wings to the low point of the roof at each corner.

The project site is located within the designated Old Topanga Canyon Road Scenic Corridor and is required to comply with the City's Scenic Corridor Development Guidelines. The addition of a building on this site would change the visual character of the scenic corridor; however, the design

guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, natural colored stone veneer and bronze windows and doors (see proposed colors and materials on Figure 3-12 of DEIR attached as Attachment E); (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations. Additionally, the home's articulated, four-wing design minimizes its visual bulk and mass when viewed from the four corners, thereby reducing the impacts to the scenic corridor.

The project was reviewed by the Architectural Review Panel (ARP) on two occasions. The first meeting took place on October 4, 2013. At that meeting, the Panel commented that they appreciate the general design and geometry of the proposed home and that the applicant's choice of colors and materials blends well with the natural environment. They noted that the starfish design of the floor plan allows the outdoor space to integrate well with the home. The Panel commented that landscaping and rolling berms will enhance the "natural" screening of the structure as well as provide privacy to the homeowner and asked the applicant to return with a more thoroughly developed landscape plan. The applicant returned to the Panel on January 24, 2014 with a detailed landscape plan for the Panel to review. At this meeting, the Panel rendered a recommendation of approval for the project, contingent upon the applicant changing the plant species in the tree cluster of the northeastern landscape buffer to larger shrub-like trees, such as Bay Laurels, oak trees, and/or olives. Additionally, the Panel requested that oak trees planted as part of the northeast and southeast landscape buffers be conditioned to be maintained as mitigation oak trees. The Panel noted that creating berms on a site such as this one, where the pad already exists, would require grading the pad further down by 6-7 additional feet, which in turn would create other environmental impacts; for this reason, they did not require any berming on the site. The applicant's current landscape plan reflects the Panel's suggested plant materials.

Included in the "Aesthetics" section of the DEIR is a detailed analysis of the project's potential aesthetic and visual impacts to the Old Topanga Canyon Road scenic corridor. Please refer to this Section of the DEIR (Section 4.1) for the detailed review and for photo simulations of the proposed project. Photo simulations incorporate the proposed landscaping buffers and also

show how the design of the proposed structure mimics the profile of the original ridge top prior to grading.

- C. **Site Access/Circulation:** The project site is accessed from Old Topanga Canyon Road via a 20-foot wide, concrete paved driveway, originally constructed in 1991. The average driveway grade is 15.9%. The driveway traverses each of the four legal parcels created by PM 11026 and each lot possesses a non-exclusive reciprocal easement for access to enable its use. The existing driveway meets the Fire department's standards and an approved Fire Department access plan has been provided accordingly.

At the first two Planning Commission public hearings, public commenters claimed that the slope of the existing access driveway does not comply with Fire Department requirements. The City relies on the Fire Department to review plans, apply their requirements, make site visits and confirm whether the proposed plans are acceptable. The County of Los Angeles Fire Department has reviewed and approved the current set of plans for the proposed project.

Because the Commission requested further confirmation of the Fire Department's ability to serve the graded pad via the existing access driveway, staff asked the Fire Department to once again confirm that the proposed access is approvable. In response, the Fire Department (Captain Steve Srott and Engineer John Baron), accompanied by the City's Director of Public Safety (Jim Jordan), drove out to the subject site in Fire Engine No. 68 and drove up to the graded pad via the existing driveway. In the attached Attachment F, you will find: (1) an email from Captain Steve Srott confirming that the grade is suitable for Fire Department access; and (2) photos of the site visit.

To confirm adequacy of sight distance for vehicles exiting the site from the existing driveway and turning either direction onto Old Topanga Canyon Road, the City required a sight distance analysis, which was reviewed and approved by the Public Works Department. The analysis was prepared by EJK + Associates civil engineers on September 23, 2013. The analysis shows that there is adequate sight distance for vehicles exiting and turning in either direction.

- D. **Landscaping:** The landscape plan (included in Attachment B) for the proposed home includes 13,492 square-feet of combined landscape and hardscape. Groupings of plant materials including a substantial number of 36-inch and 48-inch box trees provide a screen of natural vegetation around the perimeter of the building site, per the recommendation of the City's ARP.

More specifically, a dense landscape buffer is proposed along the southeast corner of the building pad to screen views of the house from the Scenic Corridor. A second dense landscape buffer is proposed along the northeast corner of the building pad to block views of the two-level portion of the house from the community to the north. Plant materials include Coast Live Oak, Bay Laurel, Arbutus Marina, and Jacaranda. New Coast Live Oak trees will complement existing oak trees on the site. In compliance with Mitigation Measure No. 4.2-3, a final landscape plan shall be submitted to the City prior to building permit issuance to ensure exclusion of all potentially invasive ornamental landscape materials. The landscape plan places significant emphasis on hardscape, patios, and decks in proximity to the home to comply with the Fire Department's fuel modification Zone A requirements. Exterior terraces, patios and walkways would be paved with Durango stone to blend in with the natural environment and to complement the proposed materials for the home. Staff requested and confirmed the review and approval of the proposed project's fuel modification and landscape plans by the County Fire Department's Fuel Modification Unit prior to preparation of the EIR so that all impacts could be accurately analyzed.

- E. Lighting:** The proposed lighting for the project would consist of driveway lighting for security and safety, as well as exterior lighting consistent with City regulations for residential security and landscape lighting. While the project would introduce night light into an area that is generally not illuminated, a Driveway Lighting Plan has been prepared for the project, and the plan complies with the requirements of the City's Dark Skies Ordinance to prevent light trespass and limit sky glow.
- F. Hydrology:** The applicant submitted hydrology and hydraulics reports to the Public Works Department. These reports were reviewed and approved at a feasibility level by the Department on October 14, 2013. Hydrology is discussed in greater detail in Section IX of the IS (Appendix A of the DEIR). Additionally, conditions of approval related to hydrology and drainage can be found in Resolution No. 2015-1465 attached as Attachment A. The Hydrology report is provided as Appendix E of the DEIR.
- G. Geology:** A Soils Engineering Exploration report, dated June 17, 2013, was prepared for the project by GeoSystems, Inc., with an update that followed on September 1, 2013. The report concluded that the site is considered to be suitable from a soils engineering and geologic standpoint for construction of the proposed residence, swimming pool, and associated retaining walls, provided recommendations included in the report are integrated into final foundation and building plans. The report and update were reviewed by the City's Public Works Department and conditionally approved on September

25, 2013. Conditions of approval related to geology and soils can be found in Resolution No. 2015-1465 attached as Attachment A. Geology and soils are also analyzed in Section VI of the IS (Appendix A of the DEIR); no mitigation measures were required. The geotechnical reports are provided in Appendix D of the DEIR.

- H. Septic:** Public sewer service is not available at the Project site. Therefore, the Project will utilize a modern on-site wastewater treatment system (OWTS) with a 2,500-gallon holding tank and seepage pits designed per the recommendations contained in the percolation studies completed for the site. The seepage pits are located approximately 600 feet north of the natural watercourse that traverses the southwest corner of the site. The 600-foot setback from the watercourse is well in excess of the 150-foot minimum setback required by the City Building Code, and provides the maximum possible protection of water quality in the watercourse. The system is designed to meet the Tier 3 requirements adopted by the State Water Resources Control Board (effective May 13, 2013), including all supplemental treatment requirements for pathogens required by the Board, and would provide treatment of effluent to tertiary standards within the OWTS. The plan and testing also includes possible future tank and seepage pit locations. The system would be installed approximately 18 inches underground on the west side of the Project's building pad and the area would be covered by lawn. The Master Site Plan in Exhibit E shows the location of the septic tank and seepage pit locations. Several percolation studies have been prepared for the Project site and are included in Appendix F, Percolation Reports, of the DEIR. Included in Resolution No. 2015-1465 are conditions related to the installation of a septic system. The conditions require approval of the final septic system design by the City's Building and Safety division prior to building permit issuance.
- I. Trail:** Project impacts on trails are fully discussed in Section 4.3 of the EIR. A number of key figures and maps are also found there. To summarize the discussion, at unknown points in time, members of the public have formed, through repeated use, a number of unauthorized trails in and across the subject property, and have used the private driveway for the same purpose. The public access required to create these trails occurred without the owner's permission. The various trails appear to be either extensions of an existing trail located on the adjacent (west) public property, or were created by the public accessing the site from the nearby Calabasas Highlands development or from Old Topanga Canyon Road, after trespassing over other neighboring private lands. One of these unauthorized trails crosses the graded building pad on the subject site and continues east beyond the site's paved driveway. Efforts to gain unauthorized public access to the site's

paved driveway resulted in repeated vandalization of the padlocked entrance gate at the private driveway and Old Topanga Canyon Road, even though the private property gate is posted “no trespassing.”

In 2007, the City adopted a Master Plan for Trails that included several locations on private property that are labeled “Existing – Make Official” or “EU.” The unauthorized trail extending from an existing public trail to the west, across the subject site’s ridgeline building pad, and continuing down the private driveway to Old Topanga Canyon Road was one of these City-mapped EU trails. The EU designation in both the Master Plan and the subsequent Figure X-2 of the Parks, Recreation, and Trails Element of the General Plan is used to identify the general location of corridors that roughly correspond to currently unauthorized trail routes over which the City wished to obtain an easement for public trail use. The corridor mapping does not require that the desired trail easement be located precisely where the map locates it. Rather, the mapped location is considered “conceptual” only. No existing right to public access is implied by the Figures included in either the Trails Master Plan or the General Plan.

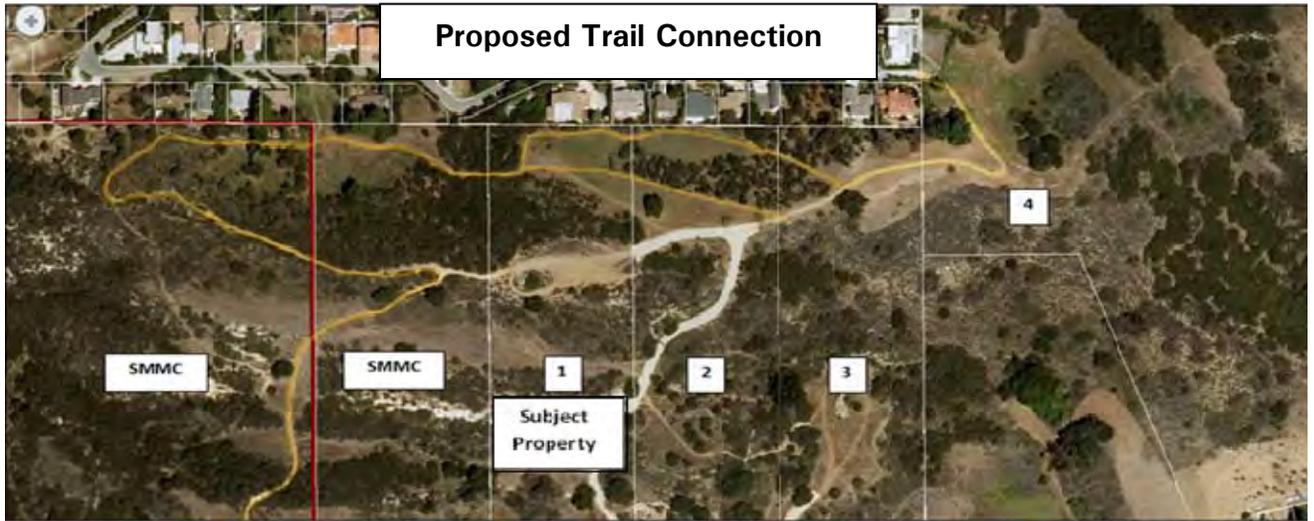
Policy X-13 of the Calabasas 2030 General Plan states the following:

It is the policy of the City to: 1) require recreation and trail planning and construction as conditions of approval for future development projects on land adjoining trails or where proposed new trails are planned; and, 2) require all project plans to provide access to trail heads located on adjacent public lands. This policy must be achieved within the legal limitations of the City’s land use power and with due respect for private property rights.

To comply with this Policy, the applicant is offering to provide legal public trail access across the site by offering an easement for public trail use in an area of the site near the location of an existing trail, within an existing 45-foot wide Zone B fuel modification area south of the Project site’s north property line. This would eliminate the need for additional trail construction, limit damage to existing biota, reduce fire hazard, and provide for potential future trail connectivity to a planned future trail to the east of the Project site in a manner consistent with the goals and intent of the City’s Master Trails Plan. The offer is subject to the approval of the Project and acceptance of responsibility for maintenance and liability by a suitable public agency (see Mitigation Measure 4.3-1 in the FEIR). To date, the applicant has contacted both the Mountains Restoration Trust and the Santa Monica Mountains Conservancy regarding potential acceptance of the proposed trail easement

along the site's northern property line, and both entities have, for the time being, declined the offer.

In addition to the subject property easement, conservation easements will need to be obtained from three other privately-held properties (numbered on the following figure as 2, 3, and 4) to eventually create a complete authorized trail that avoids the concrete driveway and graded pad for Lot 1, yet maintains a connection to Conservancy lands and other trails. In the figure below, the proposed trail connection (via existing unofficial trails) is highlighted in a transparent orange.



The City is not aware of any court-ordered prescriptive right of the public to any trail on the property, nor any pending lawsuit seeking to establish one. Without proof of any public trail, whether by a court order establishing a prescriptive right, a recorded dedication, or otherwise, the City cannot base a land-use decision on this claim or suggestion. Furthermore, the applicant recognizes that the project will potentially impact an existing unauthorized trail, and has agreed to offer an easement for new trails at the north end of the property to mitigate for the loss and to promote public access to adjacent SMMC open space lands.

- J. Installation of Utility Lines within Historic Old Topanga Canyon Road:** Construction of the proposed project would require off-site improvements consisting of the extension of an existing potable water line and electrical lines located within the Old Topanga Canyon Road right-of-way to provide potable water and electricity to the Project site. The water line and electrical line extension will be accomplished by digging a utility trench of adequate depth and width to accommodate an 8-inch water line plus electrical lines. The trench will need to be approximately 30-inches wide by 36-inches deep.

The utility lines will be buried in the trench. Following installation of the utility lines, the applicant would backfill the trench and repave the street per the City's standards. The utility lines will not be visible after the work is completed. Any related meters/equipment will be located on private property and not on Old Topanga Canyon Road.

On April 27, 2011, the City designated Old Topanga Canyon Road, from Mulholland Highway to the southern City limit, as a historic landmark. Per Section 17.36.090, permits shall not be issued for alterations to a significant resource without issuance of a Certificate of Appropriateness or a Waiver of Certificate of Appropriateness.

The segment of Old Topanga Canyon Road from Mulholland Highway south within the city of Calabasas retains integrity of location, setting, design, feeling, and association. Workmanship is not an applicable aspect of integrity because the road does not include any evidence of craft. The road's only compromised aspect of integrity is materials, because it has been repaved. Repaving is an acceptable alteration, because repairing is necessary to maintain roads and to ensure safe driving conditions. Repaving does not affect the integrity of the resource. The character-defining features of the road, such as its curvilinear form, narrow road width, lack of formal shoulders, curbs, gutters, swales, lighting, large signage, and sidewalks will not be altered by the proposed work.

The applicant is required to minimize the work, backfill the trench and restore the pavement in a manner consistent with the existing width and footprint of the pavement, while causing no damage or destruction of adjacent landscaping. Therefore, the proposed work qualifies for a waiver of a Certificate of Appropriateness. A Waiver was issued by the City's Historic Preservation Officer on November 19, 2014.

- K. **Story Poles:** Story poles are used to depict the silhouette of a proposed structure. They are intended to help decision makers, staff, neighbors and other interested parties visualize the location, mass and height of a proposed building as part of the review of the project's relationship to its surroundings. Per the City's story pole procedures, the applicant was required to install story poles a minimum of three weeks prior to the Planning Commission meeting. The poles were installed in a timely manner on Sunday, November 23, 2014. The following day, the poles were found to have been removed from their staked locations and lying on the ground (an act of vandalism). Staff asked the applicant to reinstall the poles at a time when staff would be immediately available to document the installation. The poles were reinstalled on Monday, December 1, 2014, and staff documented the

installation. On December 9, 2014, staff was notified that again vandals had removed the story poles from their staked locations.

In the attached Attachment G, Staff has provided photos of the story poles from the site itself and from various locations along Old Topanga Canyon Road. The proposed structure is most visible from the portions of Old Topanga Canyon Road at higher elevations (i.e. near Summit to Summit Motorway). Corners of the structure are visible from lower elevation segments of Old Topanga Canyon Road. The applicant is proposing to minimize the home's visibility via the proposed landscape buffers.

Upon inspection of the erected story poles, staff observed a discrepancy between the plans and the location of the story poles. The discrepancy was most evident at the location of the southwestern-most (corner) story pole, which appeared to be much closer to Oak Tree No. 2 than the plans show. Staff asked the applicant to re-survey the location of the story poles in order to clarify the cause of this discrepancy. The surveyor revisited the site, resurveyed, and found that the locations for the story poles had mistakenly been shifted southwest by approximately 15 feet, resulting in a corner pole placement roughly 15 feet closer to the oak tree than what will actually be the case. Staff then asked that all four corners be staked at the correct survey locations to confirm that the southwest corner of the house is in fact a minimum of 17-feet from the trunk of Oak Tree No. 2 (See Attachment G for story pole plan showing correct and incorrect story pole locations). Because the story poles had been placed closer to the scenic corridor compared to the actual proposed home position, the story poles actually overstated the scenic corridor visibility and impacts for this project.

L. Associated Project Permits:

Permits requested as part of this application include: (1) a Site Plan Review; (2) a Scenic Corridor Permit; (3) a Variance; and (4) an Oak Tree Permit. Each permit request is discussed in detail below.

Site Plan Review: For new site development or construction in the scenic corridor (Section 17.62.020 of the CMC), the Site Plan Review process ensures that site development, the exterior appearance of structures, landscaping, grading, and other improvements, are designed to minimize adverse aesthetic and environmental impacts on the site and its surroundings.

As mentioned in the sections above, the applicant proposes to site the new home on the existing, certified building pad to minimize the need for

additional landform alterations and grading, balance cut and fill and limit import/export, and to retain the maximum possible amount of native biota on the project site. The home is situated on the pad so as also to minimize impacts to views from the Old Topanga Canyon Road scenic corridor by maintaining a single-story, appropriately oriented profile that follows the original ridgeline topography. The architect utilized design strategies including a highly articulated building orientation, low roofline profile, building articulation, use of natural/earth-toned exterior materials and colors, and extensive landscaping buffers to blend the structure into the natural environment to the fullest extent feasible (see "Staff Analysis Section B" above for detailed discussion of design).

Scenic Corridor Permit: For construction or site development within the Scenic Corridor Overlay Zone (Section 17.62.050 of the CMC). The project site is visible from certain points along the Old Topanga Canyon Road designated scenic corridor. Figure 4.1-4 in the DEIR (Existing and Simulated Views from Scenic Corridor – Viewpoint 1) and Figure 4.1-5 (Existing and Simulated Views from Scenic Corridor – Viewpoint 2) are photographs and visual simulations that compare the existing scenic vista of the project site from the Old Topanga Canyon Road scenic corridor before and after construction. The simulations show the proposed project, with the proposed exterior colors, materials and landscaping elements, as it would appear when viewed from the scenic corridor.

The Project is oriented along the primary east/west axis of the ridgeline so that the roofline aligns with the original and existing east/west trending profile of the ridgeline. The roofline is also designed to replicate the north/south axis profile of the ridgeline prior to grading. From the scenic corridor the proposed home presents a single-story elevation with a low point roofline elevation approximately 10 feet above the graded pad. This elevation is believed to be the average original elevation of the ridgeline prior to the building pad grading based on the elevation of the remaining natural knoll at the west property line. The roofline gradually increases until it reaches a peak roof height of 25 feet above the descending pad grade. The peak roof line is set back from the edge of the graded pad on the north and south sides of the pads approximately 30-80 feet respectively, while the lower roofline extends to the edge of the graded pad on all sides.

The use of earth-tone colors, slate roof tiles, wood siding, and rock accent will contribute to the blending of the home into the ridgeline profile, and the use of landscaping, as proposed, will also contribute to the screening and blending of the home into the surrounding natural environment when viewed from the scenic corridor. With incorporation of these design elements, the

only visual impact of the project on the scenic vista, as viewed from the scenic corridor, would result from the required fuel modification zones that would extend approximately 200 feet from the proposed structure within the Project parcel only. That impact, however, would be minor due to relative visual prominence of the existing concrete driveway, which is the most visible feature on the site, and an existing unvegetated erosional scar. Existing vegetated terrain would remain undisturbed and would screen views of fuel modified areas, as seen from the scenic corridor. Fuel modification areas associated with homes are common along the Old Topanga Canyon Road scenic corridor. The setbacks, roofline variation and orientation, use of colors and materials consistent with the natural color palette, and the installation of landscape would reduce the impact of the ridgeline location of the home when viewed from the scenic corridor.

Based on the visual simulations prepared to assess the impact of the Project on the scenic corridor, with the lone exception of occupying a designated significant ridgeline, the Project is otherwise consistent with the City's development guidelines for scenic corridors, including those that pertain to minimization of grading, as well as scale, coloration, and other standards which the City uses to achieve the goal of minimizing visual impacts within scenic corridors. Additionally the applicant is requesting a Variance for occupying a designated significant ridgeline, the details of which are discussed in the section below.

Aesthetic impacts to the scenic corridor were analyzed in the Aesthetics section of the EIR, and a determination was made that the proposed project would not have a significant impact on aesthetics. In Section 15382 of the CEQA Guidelines, a "significant effect on the environment" is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water minerals, flora, ambient noise, and objects of historic or aesthetic significance. Ultimately, any project that implements a physical change will result in some change in the visual environment, so determination of whether that change is substantially adverse is based on consideration of whether it might: (1) obstruct a view; (2) contrast with the surroundings; (3) dominate the view; or (4) be inconsistent with the character of the existing view. These four points are discussed below:

1. Obstruction of views - Due to factors such as the elevation of Old Topanga Canyon Road, general topography of the area, and the distance of the building pad from Old Topanga Canyon Road, no views beyond the ridgetop are visible from the Scenic Corridor. Therefore, no public views are blocked.

2. Contrast with the surroundings - The architect utilized various design strategies (discussed above) to blend the structure into the natural environment to the maximum extent feasible, as required by the City's hillside design standards. The project as proposed would not substantially contrast with the surroundings.
3. Domination of views - The viewshed from the scenic corridor is, and would continue to be, dominated by the area ridgelines, because the project represents a very minor percentage of the total extent of significant ridgelines visible within the viewshed. Although the above-referenced EIR figures provide an indication of the extent of ridgelines visible from the identified viewpoints and the relatively small portion occupied by the project, the evaluation of visual-dominating features is based on the entirety of the view available to an observer in the field, which is wider than that captured in the EIR figures. For instance, from the location identified as Viewpoint 1, a total of approximately 4,500 linear feet of the subject significant ridgeline is visible. In addition, this view also includes approximately 2,500 linear feet of designated significant ridgeline associated with the Calabasas Peak Motorway that intersects with the project site's ridgeline, for a total of approximately 7,000 linear feet of significant ridgeline visible at distances of approximately 900 feet to 3/4 mile from the viewpoint on Old Topanga Canyon Road. Of 7,000 linear feet of visible significant ridgeline, the 135-foot long home represents approximately 1.9 percent, leaving more than 98% of the significant ridgelines unaffected (see Attachment H). This does not include other ridgelines visible in the viewshed that are not designated significant, or other significant ridgeline segments at distances of greater than one mile that are visible as well. Consequently, the project does not substantially dominate the view; in fact, it very minimally impacts the view.
4. Consistency with character of the view - The existing visual character of the general area along Old Topanga Canyon Road is rural and mountainous and includes other single-family homes, individual and clustered, with similar fuel modification areas and landscaping. The proposed single-family home and associated landscaping would be consistent with the existing character of the surrounding environment, as the home's height, bulk, pattern, scale, and character were designed to blend into the rustic environment visible from the Scenic Corridor.

The above-mentioned factors, coupled with design strategies that have been incorporated into the project, led to the EIR determination that the project would result in less than significant aesthetic impacts to aesthetic and visual resources. No additional mitigation measures are required because all

potential mitigation measures have already been incorporated into the design. These include: (1) making use of an existing, graded building pad to reduce grading and vegetation disturbance and to benefit from the overlap of existing fuel modification areas; (2) incorporating a roofline that mimics the original ridgeline profile; (3) using a heavily articulated, four-wing design that sets back the tallest portion of the home from the edge of the pad closest to the scenic corridor; (4) incorporating earth-toned rustic colors and materials; and (5) including a landscape buffer to screen views from the Scenic Corridor. Therefore, no substantially adverse unavoidable aesthetic impacts to aesthetic and visual resources will result from the proposed project.

Variance: The Project includes a variance application because Section 17.20.15.C.3 of the Development Code stipulates that a variance shall be sought where a proposed structure cannot meet the 50-foot ridgeline setback standards set out in Section 17.20.15.C.2. The Project cannot meet the established ridgeline setback standard because the previously graded and certified building pad was constructed directly on the natural ridgeline (e.g., with a zero-foot setback). The pad had been in place for approximately 20 years before the ridgeline was delineated in the City's General Plan and setback standards were established in the Development Code. The proposed project, therefore, requires a variance from the City's standards for Hillside and Ridgeline Development (Chapter 17.20.150) to permit construction on the significant ridgeline. Chapter 17.62.080 of the City's Land Use and Development Code allows for the granting of a variance from the development standards of the code when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Code denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts.

The City's Municipal Code provides for a variance from this siting standard in §17.20.150.C.3, which states that the following findings must be made before a variance from the ridgeline siting requirements can be granted:

- That alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used, and that the siting principals outlined in subsection (C)(4) have been applied; and
- The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project, including minimized grading, reduced structural height, clustered

structure, shape, materials, and color that allow the structure(s) to blend with the natural setting, and the use of native landscape for concealment of the project.

Section 5 of the EIR analyzed an alternative location for the proposed project– a location originally proposed by the Santa Monica Mountains Conservancy. The analysis shows that the alternative project would have greater impacts than the proposed project in the following categories: aesthetics, air quality, biological resources, cultural resources, geology, hydrology and water quality, noise, and traffic (during construction). The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new building pad at a lower elevation. A structure at an alternative, lower elevation would be both more visible from the scenic corridor and require nearly 12,300 cubic yards more grading, resulting in substantial habitat damage and destruction (as discussed in detail in the following sections). By building the residence on the existing, legal graded pad, the applicant avoids this significant additional grading and attendant impacts. Staff’s recommendation to support the requested Variance is based on the comparison of potential impacts between the proposed project and a project in a non-ridgetop location of the site and the, as provided in Section 5 of the DEIR, and the determination that the proposed project is the environmentally superior alternative. Additionally, the project has achieved other goals of the City’s Hillside ordinance by including the use of landscape and rooflines in order to recreate the linear contours of a disturbed ridgeline and the use of plantings along the slope side of development to screen and soften the architecture.

Oak Tree Permit: A study of the oak trees and scrub oak habitat at the project site is provided in Appendix B of the EIR (Oak Tree Report, L Newman Design Group, Inc., revised May 29, 2014). As discussed in the Oak Tree Report, there are a number of coast live oaks (*Quercus agrifolia*) on the property and in the vicinity that meet size requirements for protection under the City’s Oak Tree Ordinance, as well as scrub oak habitat. A map of the protected oak trees and scrub oak habitat is provided as Figure 4.2-2 in the EIR.

A total of eight (8) individual oak trees were evaluated at the project site, including one (identified as Tree #2) that is adjacent to the existing graded pad. The other seven (7) trees evaluated are located in the southern portion of site, primarily along the edges of the existing driveway. One of the trees (identified as Tree #19) was found to have two dead main stem trunks that have fallen onto the driveway. Additionally, oak trees were observed along

Old Topanga Canyon Road where off-site construction for the extension of utilities associated with this project would occur within the right-of-way.

As discussed in the Oak Tree Report, there is approximately 1,590 square feet (0.04 acre) of scrub oak habitat within the residential footprint (including the building, retaining walls, and paved decks) and 41,750 square feet (0.96 acre) of scrub oak habitat within 200-feet of the proposed residence.

The Project would not result in removal of any coast live oak trees due to either on-site or off-site construction. However, construction of the home would result in encroachments into the protected zone of one oak tree, identified as Tree #2, which is adjacent to the development envelope of the proposed residence. Although the proposed home would be constructed outside of the protected zone of Tree #2, a retaining wall would be constructed outside of but along the edge of the protection zone. It is anticipated that some over-excavation would be required for construction of the home and retaining wall, estimated to encroach no more than five feet into the protection zone.

Project construction would also encroach into the protected zone of four oak trees (Trees #16-19) during installation of utility lines within the existing driveway due to trenching. Off-site construction consisting of trenching and installation of utility line extensions within the Old Topanga Canyon Road right-of-way would also encroach into the protected zones of an additional 20 oak trees (Tree #s 36, 37, 40 – 57).

A total of five (5) coast live oak trees would potentially be impacted by fuel modification activities related to the structure and the access road. Tree #2 in Zone A – Setback Zone and Zone B - Irrigated Zone would be potentially subject to canopy thinning, pruning of lower branches, and removal of deadwood and accumulated litter. Trees #16, 17, 18, and 19 would also be within the 10-foot fuel modification zone surrounding the access road. These trees would be subject to deadwood removal and maintenance of branches that extend over the access road to a minimum of 13'6" feet above the ground.

Project activities would impact up to 0.73 acre of scrub oak habitat, including 0.04 acre (as provided in the Project's Oak Tree Report by L. Newman Design Group) within the residential footprint (including the building, retaining walls, and paved decks), up to 0.68 acre within the area of fuel modification surrounding the residence, and up to 0.01 acre within the area of fuel modification surrounding the access driveway. The landscape

plan indicates that existing scrub oaks would remain where they occur within the landscaping area; however, those would be subject to fuel modification impacts due to proximity to the residence. Based on the LACFD-approved Fuel Modification Plan for the Project, scrub oak habitat would be subject to clearance and/or canopy thinning on Parcel 1 within a 200-foot buffer zone around the proposed structure. Of the 0.68 acre of scrub oak habitat that would be potentially impacted by fuel modification, 0.23 acre of scrub oak located on the north-facing slope to the north of the ridgeline is already subject to fuel modification to protect existing structures in the Calabasas Highlands residential development.

All identified oak tree and scrub oak impacts will be fully mitigated. The applicant shall comply with all of the arborist’s recommendations provided in the “Oak Tree Preservation Program” in the Oak Tree Report. Additionally, the applicant shall comply with Mitigation Measures 4.2-5 and 4.2-6 of the FEIR. Mitigation Measure 4.2-5 identifies requirements for the alteration of scrub oak habitat, including the required mitigation of impacted scrub oak habitat at a 1:1 ratio. Mitigation Measure 4.2-6 identifies measures to minimize impacts of encroachment into the protected zones of the oak trees.

M. Compatibility Analysis: An ideal compatibility analysis for the project site is unattainable, considering that the three comparable lots (same zoning and similar size) in the immediately vicinity of the subject site have not yet been developed. However, staff calculated existing average Floor Area Ratios (FAR) of developed properties within various communities in the general area of the subject site. The proposed project’s gross FAR (exclusive of the garage) is 0.041. The following table summarizes the average FARs (exclusive of garages) in nearby communities:

Zoning District	Average FAR of Developed Properties
RR (8 properties) <i>Mulholland, Dry Canyon Cold Creek &, Old Topanga</i>	0.067
RC-CH (184 properties) <i>Calabasas Highlands</i>	0.35
RS (78 properties) <i>Mountain Park & Parksouth</i>	0.101
HM (24 properties) <i>Mulholland & Dry Canyon Cold Creek</i>	0.068
RC-OT (38 properties) <i>Old Topanga</i>	0.151
OS (7 properties) <i>Dry Canyon Cold Creek, St. Andrews Lane, Old Topanga</i>	0.037

The average FAR in nearby residential communities ranges from 0.037 to 0.35. With a proposed FAR of 0.041, the proposed project is clearly at the far low end of this range. In fact, the proposed FAR is 50% lower than the average FAR of the 24 HM-zoned properties included in this analysis.

As a reminder, the applicant downsized the home originally desired by the property owner by approximately 5,000 square-feet, per the recommendations of City staff. The current project proposes a 7,633 square-foot single-family residence with an attached 661 sq. ft. garage, and 1,320 sq. ft. basement. In the absence of a maximum FAR requirement, the allowable building envelope is determined by applying all other applicable development standards. To demonstrate the potential, allowable building envelope on a 5-acre, Hillside Mountainous-zoned lot, staff applied the required development standards for an HM-zoned lot (setbacks, permeability, etc.) to a hypothetical 5-acre lot. A 26,000 square-foot house could easily be accommodated given the applicable development standards. And if a second story is built while maintaining the maximum height of 25-feet, the 5-acre lot could accommodate an even larger house (up to 52,000 square-feet) and still comply with code requirements.



This analysis of course does not account for the generally steep topography of most HM-zoned properties and the subject site in particular. The varying terrain of HM-zoned lots creates burdens and realistically limits the ability to build such an extraordinarily large home. Nonetheless, the development of a 7,633 square-foot single-family residence with an attached 661 sq. ft. garage, and 1,320 sq. ft. basement is well within the development standards established by the Code.

- N. Environmental Review:** Construction of a single-family home on an existing, legal, appropriately zoned lot qualifies for a Class 3 Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15303. However, given potential project impacts related to aesthetics, biological

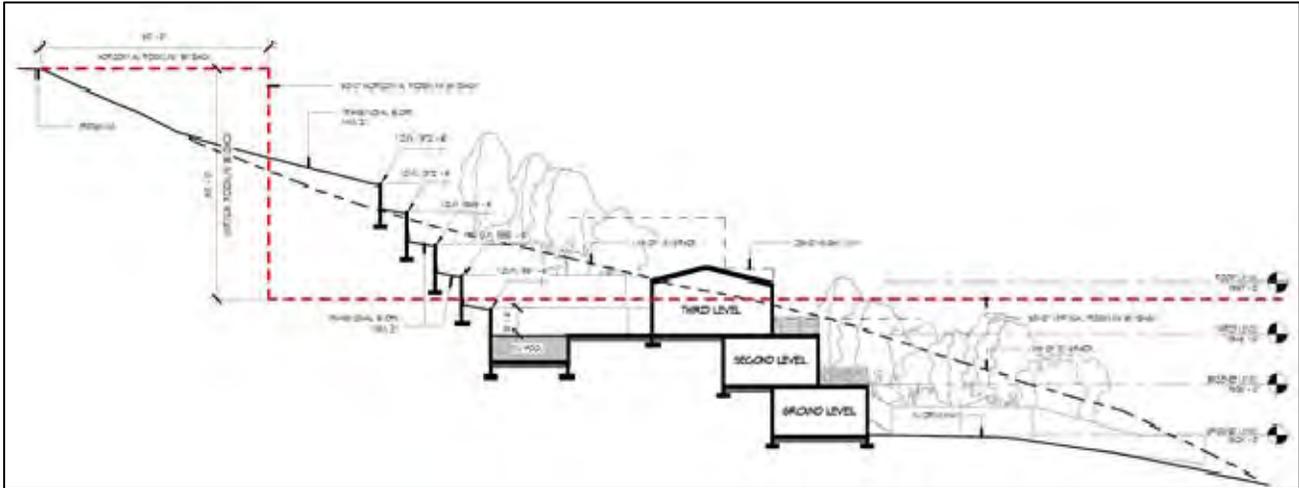
resources, and recreation, and at the request of the Santa Monica Mountains Conservancy, an Environmental Impact Report (EIR) was prepared for this project (the Final EIR is attached as Attachment E).

The EIR identifies the areas where the project may have a potential effect on the environment, and all areas listed as potentially significant have been mitigated to levels that are no longer significant. Please refer to the Mitigation Monitoring Reporting Program (MMRP) included in the Final EIR for a summary of the identified mitigation measures. The areas of impact include: Aesthetics, Biological Resources, and Recreation.

Also included in the EIR is an alternatives analysis, intended to determine if a feasible alternative would avoid or substantially lessen any of the significant effects of the project, while attaining most of the basic objectives of the project. The proposed project will have no significant and unavoidable impacts. Any potentially significant impacts have been mitigated to a less than significant level. Therefore, the alternatives selected for this project were identified to determine whether incremental reduction of the project's less than significant impacts could be achieved, and on that basis, to determine the environmentally superior alternative. Additionally, all impacts related to utility line extension for the proposed project and within Old Topanga Canyon Road would be the same in the case of either alternative because utilities need to be extended in the same manner, regardless of the location of the proposed home on the site.

The first alternative analyzed (Alternative 1) is a 7,600 square-foot single-family residence that would be constructed at an alternative location on the project site (the location was suggested by the Santa Monica Mountains Conservancy). A new building pad would be constructed below the ridgeline and terraced into the upslope contours of the south face of the hillside. A total of three tiers would be constructed to accommodate the proposed square-footage. Placement of the new dwelling on a new graded building pad at this location will require deep cuts into the steep hillside and substantial grading. As with the proposed project, a trail easement for public access would be offered by the property owner in proximity to the north property line of the parcel. Staff analyzed the location of the Alternative #1 structure and appurtenant retaining wall system in relation to the 50-foot horizontal and vertical ridgeline setback requirement. The diagram below was developed to depict the 50-foot horizontal and vertical ridgeline setback limits on a cross-section view of the proposed Alternative #1 project:

Cross-Section of Alternative #1 and Ridgeline Setback



The red, dashed line in this diagram identifies the limits of the ridgeline setback requirement, above which and to the right of which no portion of any structure that would require a permit is allowed without approval of a Variance (per Section 17.20.150(C)(2) of the CMC). This detailed analysis confirms that the proposed Alternative #1 project would in fact require a Variance as well because the top of the third level of the house and most of the retaining walls are located above the setback limit. It is important to note that the location of Alternative #1 is dictated by Fire Department standards for vehicle turnarounds; therefore, the location of the structure cannot be shifted any further downslope.

The comparison of Alternative 1 and the proposed project shows that Alternative 1 would result in an increase in impacts in several categories. Alternative 1 would increase impacts to the Old Topanga Canyon Road scenic corridor by introducing a large residential structure impacting the scenic corridor view envelope to a greater extent than the proposed project as a result of both the reduced pad elevation and the terraced design necessary to conform to the City's hillside development performance standards. Additionally, the visual impact of the required fuel modification areas for Alternative 1 would be greater than the impacts associated with fuel modification for the proposed project. Alternative 1 would have a significantly greater temporary impact on air quality during construction than the proposed project due to the significantly greater amount of grading. Grading of the Alternative 1 building site would require the movement of approximately 14,800 cubic yards of material to create the first level building pad and to terrace the home; whereas the proposed project would require the movement of approximately 2,300 cubic yards of material. The greater

amount of site grading associated with Alternative 1 would also contribute to increased off-site noise impacts and increased traffic impacts during construction due to increased truck traffic associated with grading activities. Alternative 1's residence would be constructed within a currently vegetated area and not on a previously-graded and predominantly barren pad and therefore, would result in the loss of more non-sensitive native habitat and more new disturbance to native habitats when compared to the proposed project. Also, Alternative 1 poses a greater potential for adverse water quality impacts associated with the location of the onsite wastewater treatment system and associated seepage pits in much closer proximity to an existing natural watercourse, which traverses the southwest portion of the project site.

The second alternative (Alternative 2) would be a reduced footprint single-family dwelling constructed on the existing graded building pad. The home would be designed as a standard two-story home, rectangular in plan, with approximately the same square-footage as the proposed project, but with a substantially smaller building footprint. This alternative seeks to lessen biological (oak) impacts associated with fuel modification activities. The building height would be approximately 25-feet parallel to the ridgeline, with the overall height being taller than that of the proposed project. Compared to the proposed project, Alternative 2 would result in similar impacts in most categories; however, it would result in slightly reduced impacts to biological resources and an increased impact to aesthetics and visual resources associated with the increased height unrelieved by articulation and reduced massing of the building on the existing building pad.

When considered in aggregate, the EIR concluded that the proposed project ranks as the environmentally superior alternative, with Alternative 2 ranking second and Alternative 1 ranking third.

Five (5) comments were submitted to the City during the public review period of the Draft EIR. Comments included statements and opinions regarding project approval/disapproval as well as points and opinions relevant to the environmental review. Responses to all commenters are included in the Final EIR. The responses discuss, as necessary, comments relevant to environmental review and do not discuss but acknowledge comments and opinions pertaining to the project's worthiness for approval.

On April 30, 2015, at the final Planning Commission public hearing, the Planning Commission certified the adequacy of the EIR (see Planning Commission Resolution No. 2015-576 attached as Attachment C).

O. Detailed Comparison of Proposed Project vs. Alternative #1:

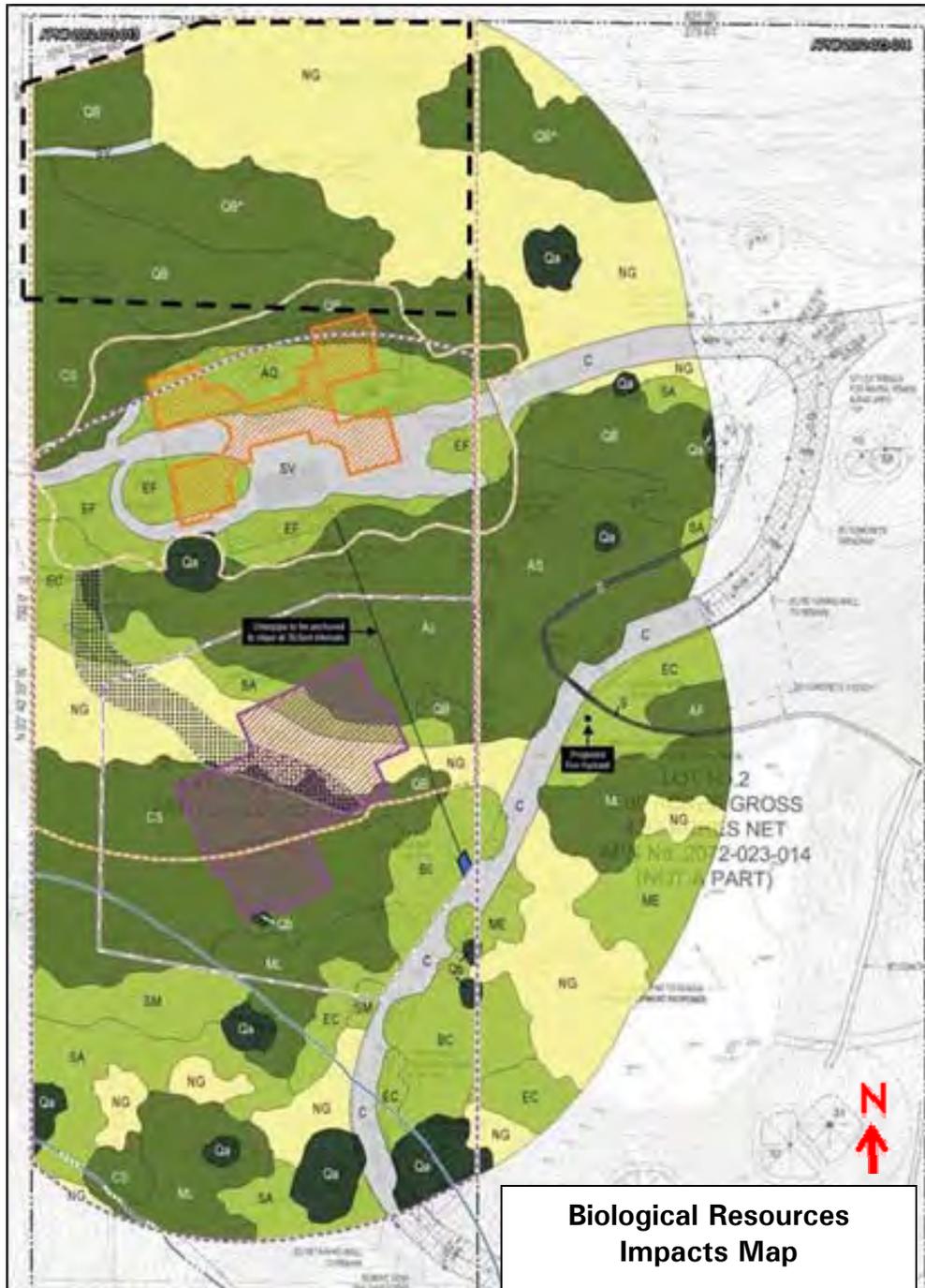
Grading: The proposed project requires 2,480 cubic yards of grading to accommodate the house and accessory structures (including the swimming pool). To export 2,480 cubic yards of dirt, a 10 cubic yard truck would need to make 248 trips to and from the subject site. In comparison, grading of the Alternative #1 building site would require the movement of approximately 14,800 cubic yards of material to create the first level building pad and to terrace the home into the hill via a retaining walls system with 5 tiers of retaining walls ranging from approximately 130 feet to 215 feet in length and with a six-foot exposed height (designed to meet code). To export 14,800 cubic yards of dirt, a 10 cubic yard truck would need to make 1,480 trips to and from the subject site— six times the number of truck trips for the proposed project.

Both grading programs would require export of dirt; however, the air quality impacts associated with the extended grading period and the off-site export of dirt for Alternative #1 would be significantly greater than with the proposed project. Implementation of standard mitigation measures to reduce fugitive dust emissions from grading, and efforts to minimize diesel particulate emissions from both on-site grading equipment and truck hauling would be applied to both Alternative #1 and the proposed project. Regardless, the construction period required to complete the grading would be considerably longer with Alternative #1, and therefore, the total amount of emissions and dust would significantly exceed the emissions associated with the proposed project.

Habitat Disturbance: The Alternative #1 site was considered and eliminated from consideration based on the potential for substantial habitat damage or destruction (Ridgeline Variance finding No. 1). To confirm, the word “substantial” relates to the amount of habitat damage or destruction. The finding does not specify that this shall apply to a specific type of habitat (protected vs. not protected), rather it applies to ALL habitat. Absent a definition in the Municipal Code, “habitat,” as defined by Merriam-Webster means “the place or environment where a plant or animal naturally or normally lives and grows.” This finding thus draws a distinction between natural habitat areas and disturbed or denuded areas.

Figure 4.2-1 of the Draft EIR (replicated below) maps on-site biological resources within the 200-foot fuel modification zones for both the project and Alternative #1. The proposed project (shown in orange), and associated hardscape are specifically located on the graded, barren pad and would be

accessed using the existing driveway to minimize landform alteration. Additionally, the dark black outline signifies the portion of required fuel



modification for the proposed project that overlaps the existing, disturbed fuel modification area for the adjacent homes in the Calabasas Highlands

community. The net result is that only 1.8 acres of habitat would be impacted anew.

Conversely, Alternative #1 (shown in purple), together with its required retaining walls, and associated hardscape (including extension of the driveway and required fire department turnaround) are located on previously undisturbed land and would not benefit from overlap of any currently disturbed fuel modification areas. Consequently, Alternative #1 would impact 2.9 acres of habitat (62% greater than the proposed project).

The following table applies information from the Environmental Impact Report (EIR) to quantify habitat disturbance for construction and maintenance of the proposed project versus the Alternative #1 project, including all disturbance anticipated by grading and fuel modification:

Comparison of Habitat Disturbance Areas Project Site vs. Alternative #1 Site <i>(All area figures are expressed in square-feet)</i>			
PROPOSED PROJECT SITE	A Grading Impacts	B Fuel Modification Impacts	Acreage of Total Habitat Impacts (A + B)
Total Potential Impact Area	38,028	99,535	137,562
Existing Barren Area	-11,064	0	-11,064
Existing Fuel Mod Zone (Highlands)*	-1,263	-45,999	-47,262
Existing Driveway	0	0	0
Total Area of Habitat Disturbance**	25,701	53,536	79,236
ALTERNATIVE # 1 SITE	A Grading Impacts	B Fuel Modification Impacts	Acreage of Total Habitat Impacts (A + B)
Total Potential Impact Area	48,482	93,915	142,397
Existing Barren Area	0	-11,064	-11,064
Existing Fuel Mod Zone	0	0	0
Existing Driveway	0	-3,180	-3,180
Total Area of Habitat Disturbance**	48,482	79,671	128,153
<i>Total Lot Size = 217,800 square-feet (5 Acres)</i> *Existing Fuel Mod Zone is the portion of the site habitat within a 200-foot buffer from Calabasas Highlands structures that have been or are subject to various levels of fuel modification impacts. **New habitat disturbance is calculated by subtracting existing disturbance areas from Project and Alternative impact areas.			

This table shows that in comparison to the proposed project, the Alternative #1 project would disturb: (1) 89% more habitat area for grading; (2) 49% more habitat area for fuel modification; and (3) 62% more total habitat area for grading and fuel modification.

Based on the quantified analyses provided within this section, it is clear that Alternative #1 would result in substantially more habitat damage than the proposed project. To reiterate, Alternative #1 impacts 62% more total habitat area for grading and fuel modification than the proposed project. Information from this analysis has been incorporated into Ridgeline Variance Finding No.1 to solidify that impacts to habitat would be substantial if the project was constructed in an alternative location rather than on the ridgeline.

The following image highlights in yellow currently undisturbed areas that would require grading for the proposed project and for Alternative #1:



Whereas the proposed project is situated on an existing 22,000 square-foot pad, previously graded to accommodate a single-family home (and which has remained barren), the Alternative #1 project is located on an undisturbed hillside that would require grading of a pad and transitional grading to accommodate the pad, retaining walls, and driveway in that location.

The attached Attachment I shows the required fuel modification areas for the proposed project and for Alternative #1, as well as the area currently subject to fuel modification for the homes in the Calabasas Highlands community. The exhibit does not account for currently denuded areas (i.e. the graded pad and the concrete driveway) that fall within those zones; it simply provides a “big-picture” perspective of how much of the 5-acre site that is not already

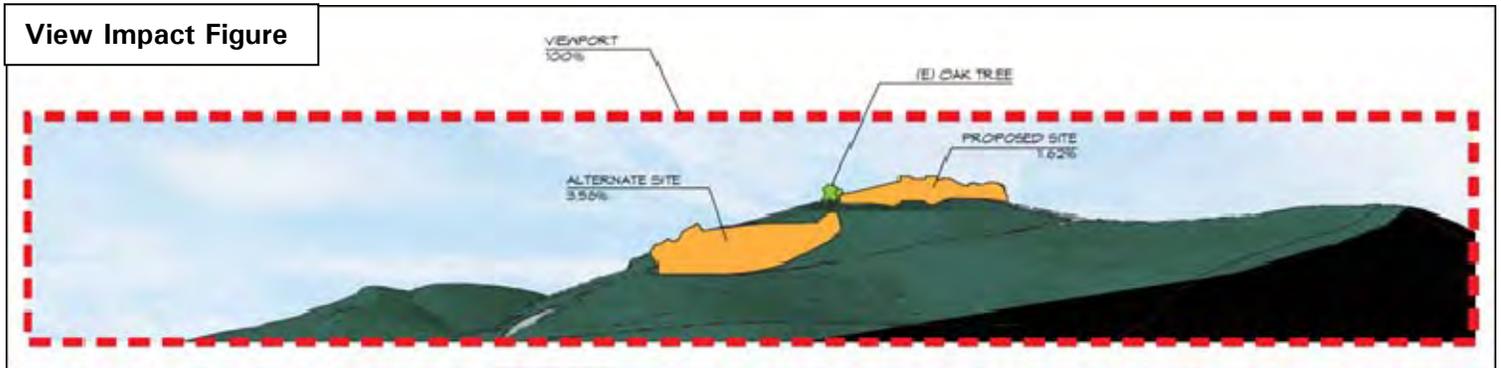
subject to fuel modification, would become subject to it with each alternative project. The proposed project's overlap of fuel modification zones with the Highlands homes allows for a larger portion of the subject site to remain undisturbed by brush clearance. Conversely, having no overlap, the required fuel modification for Alternative #1, combined with the existing Highlands fuel modification area, would leave only small, fragmented portions of the subject property undisturbed by brush clearance. Consequently, Alternative #1 would create substantially more habitat disturbance via fuel modification activities, compared to the proposed project.

Landscaping: Staff asked the applicant to provide a landscape proposal (for the Alternative project) and visual simulations for us to analyze whether the aesthetic impacts generated by Alternative #1 could be mitigated to the same levels as the proposed project with the incorporation of landscaping. The applicant was directed to incorporate the same variety of trees recommended by the Architectural Review Panel for the proposed project, which are also a variety acceptable to the Fire Department for planting in Fuel Modification Zones A and B.

Attachment J includes: (a) a site plan showing the location of the proposed trees around the perimeter of Alternative #1; (b) computer renderings of the massing of the proposed project and Alternative #1 without landscaping; and (c) computer renderings of the massing of the proposed project and Alternative #1 with landscaping. It is clear from the renderings that a much greater percentage of the proposed project can be buffered by landscaping when compared to Alternative #1. In the case of Alternative #1, the landscape buffer successfully screens a large portion of the first and second tiers of the house; however it fails to screen most of the third tier and most of the retaining wall system. The terraced design of Alternative #1, along with a 5-tier retaining wall system proposed to be built into the hillside makes it difficult to screen the Alternative as successfully as the proposed project can be screened.

The renderings clearly show that even with a landscape buffer, Alternative #1 remains much more impactful on aesthetic views from the Scenic Corridor than the project itself. Landscape screening is not as effective of a mitigation tool when the proposed structure is viewed from a higher elevation, which would be more often the case for the Alternative #1 scenario. Furthermore, the landscape buffer for the Alternative project would have the effect of blocking occupant views. By contrast, using landscaping to screen a project at equal or higher elevations than viewpoints is more effective, while still affording occupant views over and through the screening.

To demonstrate this point more clearly, staff calculated the percentage of impact resulting from each proposal on a selected view of the subject site from the Scenic Corridor. The figure below shows what percentage of this view of the subject property is impacted by the outline of the proposed project, inclusive of landscaping, and by Alternative #1, inclusive of landscaping. Where the project would impact 1.62% of this view, the Alternative #1 would impact 3.58% of this view, resulting in more than double the amount of impact compared to the proposed project.



Again, the proposed design of the home on the ridgeline hides most of the massing of the structure, and the massing that would be visible can be successfully screened by landscaping. Conversely, the proposed three-tier alternative, coupled with the attendant retaining wall system, is much more difficult to screen given its required terracing walls and results in much larger impact on existing views.

Lighting: Page 5-7 of the Draft EIR discusses lighting impacts resulting from the proposed project in comparison to lighting impacts that would result from the Alternative #1 project. Visual impacts associated with light and glare would be equivalent when comparing the proposed project to Alternative #1. Whereas driveway lighting for Alternative #1 would extend a shorter length (because Alternative #1 is accessed from a lower point on the existing driveway), internal lighting and security lighting associated with Alternative #1 would be more visible at night from the scenic corridor than such lighting for the proposed project. This is because the tiered design of Alternative #1 prevents successful screening and leaves more of the massing of structure exposed to the scenic corridor, which in turn would expose more of the internal and security lighting. Additionally, Alternative #1 is entirely on the side of the hill facing the scenic corridor, whereas the project is set on top.

P. Santa Monica Mountains Conservancy (SMMC): The SMMC acquired the adjacent property to the west of the subject site in 1998. As mentioned in

the “Environmental Review” discussion above, the SMMC requested that an EIR be prepared for the proposed project, and the SMMC even specified an alternative location for the proposed residence. The specified alternative location (Alternative #1) was analyzed in the EIR. At the March 5, 2015 Planning Commission public hearing, the SMMC submitted three of their own analyses, suggesting that the impacts created by constructing a house at the Alternative #1 location could be significantly minimized by shifting the house location further southeastward.

Planning staff thoroughly reviewed the SMMC’s analyses and concluded that the analyses were flawed for the following reasons: (1) the SMMC’s analysis shifted the house forward laterally (horizontally), without respecting the site topography, making the proposed shift technically infeasible; (2) even if it were feasible to shift the proposed house southward, the required grading and habitat disturbance impacts would continue to be substantially greater when compared to the proposed project; and (3) the southeastward shift would cause a number of new impacts not associated with the current location of Alternative #1 (i.e. alteration of the existing shared driveway, a 12-foot retaining wall, two additional Variances, encroachments of retaining walls and grading on the adjoining Lot #2, and hindrance of access to the remaining portion of the shared driveway). Minor variations in the design of Alternative #1 will not materially affect the conclusions made in the EIR. If the Alternative #1 house would be reduced in size, and a significant portion of the third tier eliminated, the grading required to create a pad and build a home into the hillside still could not be reduced much more than what is required for the Alternative #1 house, and would still result in substantially more habitat disturbance than the proposed project.

A detailed discussion of staff’s review of the SMMC’s analyses was provided to the Planning Commission on Pages 6-10 of the April 30, 2015 Planning Commission Staff Report and associated Exhibits. These documents may be accessed via the following link:

http://calabasas.granicus.com/MediaPlayer.php?view_id=4&clip_id=5144.

- Q. Wildlife Impacts:** As explained on page 4.2-13 of the Draft EIR, wildlife movement corridors are physical connections that allow wildlife to move between areas of suitable habitat in both undisturbed and fragmented landscapes. The EIR also states that the following documents were reviewed to confirm that the subject site is not located within an area that has been identified as important to wildlife movement, such as a regional-scale habitat linkage or a wildlife movement corridor:

- Figure IV-3 of the City of Calabasas 2030 General Plan - (see attached Attachment K)
- Santa Monica Mountains National recreation Area Land protection Plan (NPS, March 1998)
- South Coast Missing Linkages Project: A Linkage Design for the Santa Monica Mountains-Sierra Madre Connection (Penrod, K. et.al, 2006); and
- California Essential Connectivity Project: A Strategy for Conserving a Connected California (Spencer et al., February 2010).

As discussed in the EIR, the potential importance of the project site to wildlife movement was evaluated both in the field and by reviewing recent aerial photographs of the site and surrounding area. Although the project site contains suitable habitat for the movement of many wildlife species, the site is not of particular importance to wildlife for the purposes of movement. The site is not situated within a bottleneck of habitat between larger areas of core suitable habitat, it does not contain an important wildlife crossing, and it is not necessary for wildlife to pass through the site to access essential resources for water, foraging, breeding, or cover. The project site is situated within an area that is still largely rural and surrounded by extensive areas of undisturbed native habitats of the Santa Monica Mountains. Development of the project would not impede wildlife movement through the area, given the amount of intact habitat that would remain in the vicinity of the site and the fact that the site is not a critical wildlife corridor.

Either project (the proposed project or Alternative #1) will impose a building where one never existed before; and wildlife would continue to move around the structure, on the remaining portions of the 5-acre site. Furthermore, Condition No. 12 in the Resolution of Approval provides as follows:

Any future fencing proposals for this property shall be subject to the requirements of Section 17.20.100(H) (wildlife friendly fencing).

This condition ensures that wildlife in the general area will continue to be able to move across the undisturbed portions of the subject site, even if fencing around the perimeter of the site were to be proposed at a future time.

In addition to the analysis of wildlife corridors and movement, Section 4.2, as well as Appendix B, of the EIR, provide a comprehensive discussion of biological resources including wildlife habitats present on-site, the potential for occurrence of special status wildlife, and the potential impacts of the proposed project on wildlife resources. As detailed in the EIR, through

implementation of mitigation measures MM 4.2-1 through MM 4.2-6, any potential significant impacts to biological resources, including wildlife resources, will be mitigated to a less-than-significant level.

- R. Cumulative Impacts:** The DEIR discusses cumulative impacts on the following pages: 3-31; 3-32; 4.1-19; 4.2-27; and 4.3-12. There are currently no project proposals for the development of the remaining three, legal lots in the subject subdivision. Nor has City staff received any recent inquiries regarding potential application submittals for these properties. Nonetheless, the development of all four, legal lots within this subdivision was anticipated as part of the City's overall growth and was analyzed in the 2030 General Plan EIR.
- S. Hillside and Ridgeline Development:** The City's 2030 General Plan and the Land Use and Development Code include policies and standards intended to manage development in hillside areas. At the January 15th public hearing, the Hillside and Ridgeline Development Ordinance (CMC 17.20.150) was mistakenly referred to by a number of speakers as the "Ridgeline Ordinance." Staff would like to clarify that the policies in the General Plan and the standards in the Land Use and Development Code serve a greater purpose than simply protecting ridgelines, namely protecting existing topographical features, including ridgelines, canyons, and steep hillsides. The following is a brief summary and analysis of these policies and standards, which play an integral role in staff's analyses and recommendation.

Applicable 2030 General Plan Policies

The objective of the Hillside Management section of the Open Space Element is to:

*Maintain and/or restore significant natural systems and resources associated with hillside environments, including but not limited to, **primary ridgelines**, sensitive vegetation and wildlife habitats, special geologic features, natural drainage swales and canyons, **and steep slopes exceeding 20%**. [Emphasis added]*

This over-arching objective statement does not emphasize ridgelines over other important natural features. Accordingly, the policies in the Hillside Management section of the General Plan seek to protect natural hillsides, canyons, knolls, woodlands, and rock outcroppings, as well as ridgelines. Again, ridgelines are not singled out as being more important or requiring greater levels of protection than these other natural features. As indicated above, the General Plan also places particular emphasis on the importance of

protecting hillsides by specifying the need to protect slopes greater than 20%. As evidenced by the following open space preservation policies, the goal of the General Plan is to protect ALL significant topographical features while minimizing the alteration of existing landforms:

III-11. Maintain the existing visual character of hillsides, recognizing both the visual importance of hillsides from public view areas and the importance of providing panoramic views from hillsides.

III-12. Minimize the alteration of existing landforms and maintain the natural topographic characteristics of hillside areas, allowing only the minimal disruption required to recognize basic property rights.

III-14. Preserve all significant ridgelines and other significant topographic features such as canyons, knolls, rock outcroppings, and riparian woodlands.

These policies shall be applied objectively to the analysis of each individual project and the proposed project alternatives to determine placement of a proposed structure that best accomplishes most, if not all, of these goals.

Additionally, several statements made in the General Plan Open Space Element specify the importance of protecting environmental resources while respecting the rights of private landowners, recognizing that each property is unique, and maximizing the amount of hillside area left in a natural state. The following are some specific examples:

“Because the City’s fiscal resources are not sufficient to purchase all remaining undeveloped lands, a crucial issue is how to protect environmental resources while recognizing the property rights of private landowners. Thus, the Calabasas General Plan recognizes basic property rights, and limits the intensity of area development to that which is consistent with the environmental values and carrying capacity of the land.” (page III-7)

“... because no two sites are exactly alike, development requirements in Calabasas must demand protection of the environment, but must also be realistically flexible to allow developers and builders to better match their proposals to the environmental and landscape resources of their sites.” (page III-7)

“A key concept of the Calabasas General Plan is to define permitted land use intensities within the remaining hillside areas on the General Plan land use map in a manner that is consistent with Calabasas’ vision. The basic development intensities of the land use map in the Land Use Element aim to maximize the amount of hillside area left in a natural state.” (page III-13)

Prior to making a staff recommendation and while preparing the findings for General Plan consistency for this specific project, staff considered all of the abovementioned policies and concluded that in this particular case, placing the home on the previously graded pad, minimizing the need for additional substantial landform alteration, and protecting the remaining natural hillsides in their existing undisturbed condition accomplishes more of the General Plan policies than would placement of the structure in the alternative hillside location. This recommendation takes the existing disturbed status of the ridgeline project location and the undisturbed status of the hillside alternative location into account.

Applicable Section of Land Use and Development Code

Section 17.20.150 of the Land Use and Development Code provides development standards and guidelines for hillside and ridgeline development. The performance standards included in this section address grading, project site planning, architectural design, landscape treatment and slope maintenance, and hazards (seismic, geologic and fire). Consistent with the objectives and policies of the general plan, the intent of this ordinance is to protect both hillsides and ridgelines and to help determine the best location for development on sloping and ridgeline lots. The Code requires a holistic approach to development on hillside properties, with the expectation that a balance should be achieved between a number of competing goals and interests. Accordingly, the City’s hillside and ridgeline protection requirements should not be confused with a single-purpose ridgeline protection ordinance, the intent of which is solely to protect ridgelines. This is reflected in the City Council’s inclusion of particular variance findings that must be made to permit development on a significant ridgeline, indicating that the City Council anticipated such development may be appropriate in the right case.

The following provisions of the Development Code protect existing hillsides and directly apply to this project:

Section 17.20.150(B)(1), clearly states, "Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading."

Section 17.20.150(B)(1)(d) states that on slopes between 30 and 50 percent (such as the location of Alternative 1), "...development and limited grading can occur,... but only if it can be clearly demonstrated that safety hazards, environmental degradation, and aesthetic impacts will be avoided."

Section 17.20.150(B)(3) states, "Overall project design and layout shall adapt to the natural hillside topography and maximize view opportunities to and from a development. A development should preserve the hillside rather than alter it to fit the development."

Section 17.20.150(B)(6)(c) states, "Preserve natural hillside and ridgeline views from the public right-of-way."

Staff applied the above standards and guidelines to the subject site, on which a legal, graded pad has existed for roughly 24 years. Staff confirmed that the original elevation of this particular segment of the ridge was at 1627 feet a.m.s.l. County documents associated with the original tract map and project indicate that the ridgeline was graded down approximately 22 feet to its current pad elevation of 1605 feet a.m.s.l., with 16,710 cubic yards of material having been removed. To build on the Alternative #1 site would require an additional 14,800 cubic yards of cut and grading into the natural hillside, resulting in further alteration of the intact, natural portions of the hillside, together with substantially greater environmental degradation and without any improvement to the existing disturbed ridgeline top. With six times as much grading (compared to the project itself) and the substantially greater environmental impacts, as documented in the EIR, staff has concluded that Alternate #1 is out of compliance with the aforementioned policies and standards.

In terms of architectural design and landscape treatment, the proposed project complies with the following performance standards for hillside development:

Section 17.20.150(B)(12)- The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which (i)

minimize bulk and mass, (ii) follow natural topography, and (iii) minimize visual intrusion on the natural landscape.

Section 17.20.150(B)(15)- Building facades shall change plane or use overhangs as a means to create changing shadow lines to further break up massive forms.

Section 17.20.150(B)(17)- Collective mass roof lines and elements shall blend with the hillside or reflect the naturally occurring ridgeline silhouettes and topographical variation.

Section 17.20.150(B)(18)- Medium to dark colors which blend with the surrounding environment should be used for building elevations and roof materials in view-sensitive areas.

Section 17.20.150(B)(19)- Architectural style, including materials and colors, should be compatible with the natural setting and the surrounding neighborhood. No one dwelling should stand out.

Section 17.20.150(B)(23)-Plantings along the slope side of a development shall be designed to allow controlled views from the development. At the same, these planting shall partially screen and soften the architecture of the development. No less than fifty (50) percent of screening should consist of plant materials.

Section 17.20.150(B)(24)-Trees shall be randomly spaced and massed together, and they shall be used to reduce the scale of long, steep slopes.

Section 17.20.150(C) is the portion of the hillside and ridgeline protection ordinance that includes provisions for placement/location of proposed structures. This section aims to have structures placed on the most accessible, least visually prominent, and most geologically stable portions of the site. Section 17.20.150(C)(2) provides that the highest point of any structure that requires a permit shall be located at least fifty (50) vertical feet and fifty (50) horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, and amateur radio antennas. This means that any structure requiring a permit (this includes new homes, room additions, retaining walls and perimeter walls, swimming pools, patio covers, etc.) proposed on or within 50-feet of a ridgeline must conform to the standard. This is true whether the property is a vacant lot or one with an existing

home on it, meaning the 50-foot/50-foot setback standard applies to all 179 existing homes on ridgelines and any vacant lot through which a significant ridgeline runs. Approving any development on the ridgeline for any of these kinds of projects would require the granting of a variance.

Section 17.20.150(C)(3) provides that a variance from the ridgeline setback requirements may be obtained if it can be shown that:

(a) Alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used and that the siting principles outlined under subsection (C)(4) have been applied; and

(b) The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project including minimized grading, reduced structural height, clustered structures, shape, materials, and color that allow the structures to blend with the natural setting, and use of native landscaping for concealment of the project.

The City Council built the requirement to obtain a variance from the ridgeline provision into this section of the Code because there are so many developed properties, and a handful of undeveloped properties, for which development off the ridgeline would be more harmful than not. The option to obtain a variance is included specifically to prevent situations where grading and construction outside of the 50-foot ridgeline protection setback would cause more harm than good, with a particular focus on physical infeasibility and substantial habitat damage of the non-ridgeline alternative sites, as is the case with the proposed project.

Staff's analysis concludes that placing the proposed home on the Alternative #1 site would be grossly inferior to the proposed project because Alternative #1 would cause substantially more environmental impact, including substantially greater habitat damage (analysis provided in the following sections). Chief among this is that Alternative #1 would cause substantial habitat damage, as detailed below due to the 14,800 cubic yards of hillside grading and the fuel modification zone required for the alternative. Pursuing development of the Alternative #1 site instead of the project site would create substantially greater impacts to biological habitat, as well as substantially greater aesthetic impacts as viewed from the Scenic Corridor due to the landform alteration and grading of 14,800 cubic yards on a steep, previously undisturbed and well-vegetated hillside. Moreover, the Alternative

#1 site would also create substantially greater impacts to traffic, noise, and air quality due to the massive grading necessary to accommodate a single-family home on the steep hillside.

Finally, it is critical to also recognize that even the Alternative #1 development would necessitate the granting of a ridgeline setback variance because the retaining walls terracing up the hillside behind the home would fall within the ridgeline protection setback limit line.

Consequently, when applying the required findings for a variance to the project, a variance from the 50-foot setback standard can easily be supported and should be granted. Granting the requested variance for the proposed project would allow for construction of a well-articulated and thoughtfully designed home on an existing, disturbed portion of the property (a former ridge from which 16,710 cubic yards of material was removed more than two decades ago to create a 22,000 square-foot flat pad), and would leave the remaining undisturbed portions of the hillside in their natural state, avoiding further environmental degradation on the subject property, consistent with the City's General Plan policies and the Development Code. Further, taking advantage of the existing graded pad minimizes the environmental impacts, including habitat damage of the fuel modification zone, since the proposed project location benefits from the existing fuel modification area shared with the residential neighborhood to the north.

The slope analysis below and on the left was recovered from County of Los Angeles' files pertaining to the Amending Parcel Map No. 11026 and annotated by staff for use in this staff report. The image documents the original natural topography of the prior to any grading. Staff outlined all portions of the site with zero to 25% slope in dark purple to show that more than 80% of this site was, and still is, made up of slopes greater than 25%.

Prior to approval of Amending Parcel Map No. 11026, the original Parcel Map called for the pad to be located in the triangular area outlined in black near the center of the site. The attendant grading (black dashed line) would create creating 2:1 slopes and extend all the way up to the ridgeline. This attendant slope grading would have greatly affected most of the escarpment, which bisects the site. The location of the currently proposed Alternative #1 site aligns closely with the location of the pad anticipated in the original Parcel Map.

The image on the right reflects the grading of the pad and construction of the driveway (in 1990 and consistent with the approved amended Parcel Map). The result was a significant increase in an area characterized by lesser

PROJECT DECISION/CITY COUNCIL’S ROLE:

City Council action regarding the appeal of File No. 130000718 (a proposal to construct a new single-family residence on an existing graded pad, located on a significant ridgeline) is limited to: (1) certifying the adequacy of the EIR, or not certifying it; and (2) approving or denying the proposed project.

Alternatives to the proposed project are provided solely because an EIR is required to describe a reasonable range of alternatives to the proposed project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and to evaluate the comparative merits of the alternatives. Alternatives are provided within an EIR to foster informed decision making and public participation. The City Council cannot render a decision on an alternative project. In other words, if the Council chooses to deny the proposed project, they cannot instead “approve” an alternative project. If the proposed project is denied, the applicant has the opportunity to resubmit a brand new application (inclusive of plans, fees, technical studies, etc.) for any alternative project the applicant may, or may not, choose to pursue. Such application would then commence from step one of the Planning entitlement process, eventually returning to Planning Commission for formal action, and in that case, the Planning Commission would be hard-pressed to deny the second application.

FISCAL IMPACT/SOURCE OF FUNDING:

All development (including utility work along Old Topanga Canyon Road) and mitigation costs are borne by the applicant. No fiscal impacts or City costs are associated with this project.

REQUESTED ACTION:

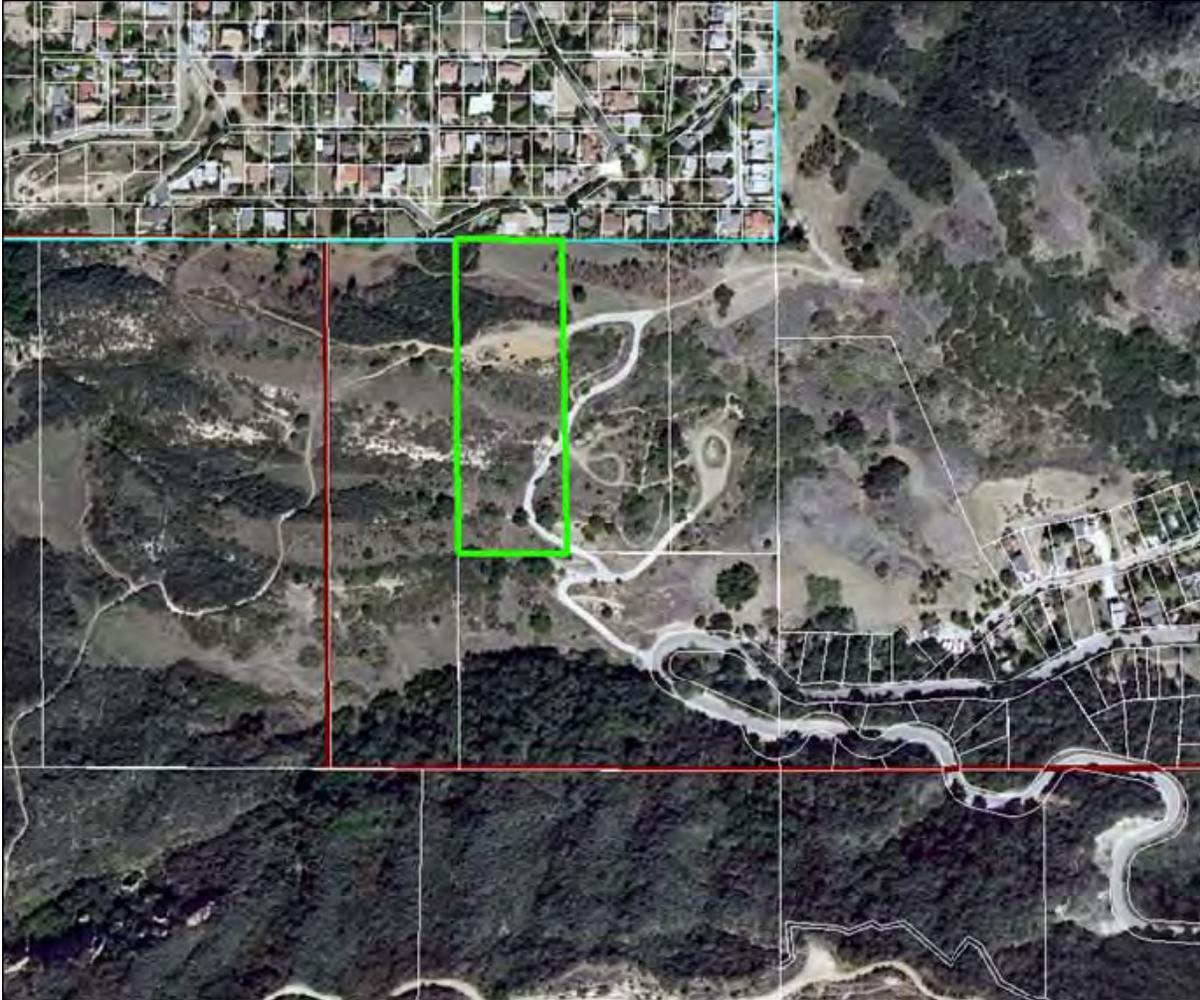
That the City Council adopt City Council Resolution No. 2015-1465, denying the appeal and upholding the Planning Commission’s decision to certify adequacy of the Final Environmental Impact Report and approve File No. 130000718 for: (1) a Site Plan Review; (2) a Variance (to build on a significant ridgeline); (3) an Oak Tree Permit (to encroach into the protected zone of 25 oak trees and for potential thinning of scrub oak as necessary for fuel modification); and (4) a Scenic Corridor Permit (for development within a designated scenic corridor) to allow for construction of a 7,633 sq. ft. single-family residence with an attached 661 sq. ft. garage, 1,320 sq. ft. basement, and appurtenant accessory structures on a previously graded pad on an existing legal 5-acre lot located at 3121 Old Topanga Canyon Road (APN 2072-023-013) within the Hillside Mountainous (HM) zoning district and Scenic Corridor (SC) overlay zone.

ATTACHMENTS:

- Attachment A: City Council Resolution No. 2015-1465
- Attachment B: Project Plans
- Attachment C: Planning Commission Resolution No. 2015-576
- Attachment D: Memorandum from City Engineer
- Attachment E: Final EIR (Includes DEIR) (see link below)
<http://www.cityofcalabasas.com/pdf/notices/3121-Old-Topanga-FEIR-DEIR.pdf>
- Attachment F: Email from Fire Department Regarding Access to Graded Pad
- Attachment G: Story Pole Plan and Photos
- Attachment H: Ridgeline Impact Exhibit
- Attachment I: Fuel Modification Comparison - Proposed Project vs. Alt. #1
- Attachment J: Landscape Plans for Alternative #1
- Attachment K: Figure IV-3 of the City of Calabasas 2030 General Plan
- Attachment L: Appeal Application
- Attachment M: Site Photos

TECHNICAL APPENDIX

Location Map:



Previous Reviews:

Development Review Committee (DRC):

July 2, 2013	Minor modifications and additional information requested
September 3, 2013	Minor modifications and additional information requested

Architectural Review Panel (ARP):

October 4, 2013	Panel requested a thoroughly developed landscape plan
January 24, 2014	Panel rendered a recommendation of approval

Planning Commission:

January 15, 2015	Continued
March 5, 2015	Continued
April 30, 2015	Project Approved and EIR Certified

Items shown in Italics in the Development Standards section below are identified as issues which are further analyzed in the Staff Analysis section of the staff report

Development Standards:				Code Req.	Meets Code
Gross Lot Size:	5.00	Acres		N/A	
Net Lot Size:	4.41	Acres		N/A	
Floor Area (based on net lot area):					
Proposed:	9,614	Sq. Ft.		N/A	
Floor Area Ratio (FAR):	0.05			N/A	
Setbacks:					
Front:	50	Ft.		50	Yes
Rear:	70.4	Ft.		50	Yes
Side:	179.6	Ft.		25	Yes
Side:	482.5	Ft.		25	Yes
Height:	10-25	Ft.		25 Ft.	Yes
Pervious Surface:					
Proposed:	179,558.6	Sq. Ft.	93.46 %	86%	Yes
Site Coverage:					
Proposed:	6,844	Sq. Ft.	3.56 %	N/A	
Parking Calculations					
# of Spaces Provided:	5 (3 in garage)			4 (2 in garage)	Yes

Proposed Color Palette:

Body Color: "Weathered Wood" wood siding; "Natural Color" Durango stone; "Oil Rubbed Bronze" metal windows & doors

Roof Color: "Unfading Green" slate

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Vacant Graded Lot	HM-SC	HM
West	Protected Open Space	HM-SC	HM
East	Vacant Lot	HM-SC	HM
North	Residential Subdivision	RC	RC
South	Vacant Lot	HM-OS-SC	HM-OS

RESOLUTION NO. 2015-1465

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO CERTIFY THE ADEQUACY OF AN ENVIRONMENTAL IMPACT REPORT AND APPROVE A PROJECT APPLICATION FOR: (1) A SITE PLAN REVIEW; (2) A VARIANCE (TO BUILD ON A SIGNIFICANT RIDGELINE); (3) AN OAK TREE PERMIT (TO ENCROACH INTO THE PROTECTED ZONE OF 25 OAK TREES AND FOR POTENTIAL THINNING OF SCRUB OAK AS NECESSARY FOR FUEL MODIFICATION); AND (4) A SCENIC CORRIDOR PERMIT (FOR DEVELOPMENT WITHIN A DESIGNATED SCENIC CORRIDOR) TO ALLOW FOR CONSTRUCTION OF A 7,633 SQ. FT. SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 661 SQ. FT. GARAGE, 1,320 SQ. FT. BASEMENT, AND APPURTENANT ACCESSORY STRUCTURES ON A PREVIOUSLY GRADED PAD ON AN EXISTING LEGAL 5-ACRE LOT LOCATED AT 3121 OLD TOPANGA CANYON ROAD (APN 2072-023-013) WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND SCENIC CORRIDOR (SC) OVERLAY ZONE.

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

1. Agenda reports were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on June 10, 2015 before the City Council.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

7. Planning Commission Resolution No. 2015-576 certifying adequacy of the EIR and approving File No.130000718.
8. The written appeal of the Planning Commission decision, as filed on May 8, 2015 by the appellants.

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

1. The applicant submitted an application and project plans for File No. 130000718 on June 10, 2013.
2. Revised plans were submitted on the following dates: August 7, 2013, October 9, 2013, December 18, 2013, and March 7, 2014.
3. An Initial Study was prepared and made available for public review on May 30, 2014, and a public scoping meeting was held on June 12, 2014. The public circulation period for the Initial Study ended on June 30, 2014.
4. The Draft Environmental Impact Report was made available for public review on September 3, 2014; the public review period ended on October 20, 2014. Comments sent to Planning staff were responded to and incorporated in the Final Environmental Impact Report.
5. On June 4, 2014, the application was deemed complete and the applicant was notified.
6. The Planning Commission reviewed the project at noticed public hearings held on January 15, 2015, March 5, 2015, and April 30, 2015.
7. On April 30, 2015, the Planning Commission voted (4-1) to adopt Resolution No. 2015-576, approving File No. 130000718 and certifying adequacy of the associated Environmental Impact Report.
8. On May 8, 2015, consistent with CMC Chapter 17.74, an appeal of the Planning Commission decision was filed by the Calabasas Highlands and Old Topanga Homeowner's Associations.
9. Notice of the June 10, 2015 City Council public hearing was mailed or delivered to property owners within 500 feet of the property as shown on the latest equalized assessment roll, and was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.

10. Notice of the June 10, 2015 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Hills/Calabasas Community Center, and at Calabasas City Hall.
11. Notice of the City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
12. Notice of the City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
13. The project site is currently zoned Hillside Mountainous (HM) with an overlay zoning designation of Scenic Corridor (SC).
14. The land use designation for the project site under the City's adopted General Plan is Hillside Mountainous (HM).
15. Properties surrounding the project site are zoned HM-SC, RC-OT-SC, and RC-CH, and have corresponding General Plan land use designations of HM and RC.

Section 3. In view of all of the evidence presented and based on the following findings and conclusions, the City Council hereby certifies the adequacy of the Final Environmental Impact Report (EIR), in accordance with CEQA Guidelines, Sections 15090 and 15091.

EIR CERTIFICATION

Based upon the facts and information contained in the proposed Final Environmental Impact Report, together with all written and oral reports included for the environmental assessment for the application, the City Council certifies that: (1) the Final Environmental Impact Report has been prepared in full compliance with the California Environmental Quality Act and the State CEQA Guidelines promulgated thereunder; (2) the Final Environmental Impact Report reflects the independent judgment and analysis of the City; and (3) this Council has reviewed and considered the information contained in said Environmental Impact Report with regard to the project application, and has determined the analysis to be fully adequate.

EIR FINDINGS

- A. The City Council acknowledges that pursuant to Section 15091 of the CEQA Guidelines, "No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or

more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation for the rationale for each finding.

Because the Final EIR identifies one or more potentially significant environmental effects of the proposed project, the City Council hereby adopts the Statement of Facts and Findings set forth below as required by Section 15091 of the CEQA Guidelines:

- i. Based on the analyses provided in the Initial Study and EIR prepared for this project, the project may cause potentially significant impacts in the areas of "biological resources" and "recreation" (trails) unless the appropriate mitigation measures are incorporated and implemented.
 - ii. Therefore, mitigation measures have been incorporated into the project via the Mitigation Monitoring and Reporting Program (MMRP) attached as Attachment 1 to this Resolution to mitigate any potential impacts to levels that are less than significant. The MMRP includes six (6) mitigation measures for biological resources and one (1) mitigation measure for recreational facilities (trails). The MMRP also includes cultural resources monitoring protocols discussed in the project's Initial Study.
- B. The City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in the Final EIR and attached to this Resolution as Attachment 1.
- C. The foregoing findings and determinations, which reflect the independent analysis of the City of the matters in the record pertaining thereto and are the independent judgment of the City, are based on the information in the record, including but not limited to the findings set forth herein. The City Council further finds that substantial evidence exists to support each of these findings.
- D. The City Council hereby identifies that the location of records with respect to the Final EIR and other documents and materials constituting the record of proceedings with respect to the certification of the Final EIR is the Community Development Department of the City of Calabasas, and that the custodian of records with respect to the Final EIR and other documents and material constituting the record of proceedings with respect to the certification of the Final EIR is the Director of Community Development of the City of Calabasas.

Section 4. The Community Development Department staff shall prepare a Notice of Determination for the Final EIR consistent with State CEQA Guidelines Section 15094(b), and shall promptly file the Notice of Determination with the County Clerk of the County of Los Angeles.

Section 5. In view of all of the evidence and based on the following findings, the City Council concludes as follows:

FINDINGS

Section 17.62.020 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Site Plan Review Permit** provided that the following findings are made:

- 1. The proposed project complies with all applicable provisions of this Development Code;*

The project site is located within the Hillside Mountainous (HM) zoning district and is required to comply with the permitted land uses for the HM zoning district established in Section 17.11.010 of the CMC as well as the development standards provided in Section 17.16.020 of the CMC for development in the HM zone. Construction of one single-family residence is an allowed use in the HM zoning district. The Code does not set a maximum FAR or site coverage standard for development in the HM zoning district; therefore development size is limited via other standards, such as setbacks, height, and permeability. The project will provide 93.46% permeable surface area, in conformance with the Code's requirement of 86% minimum permeable surfaces for the HM zoning district. The structure is set back a minimum of 50 feet from the front (east) property line, 70.4 feet from the rear (west) property line, 179.6 feet from the northern side property line, and 482.5 feet from the southern side property line. Section 17.16.020 of the Municipal Code requires that a structure in the HM zone be set back a minimum of 50 feet from the front and rear property lines and 25 feet from the side property lines. The proposed project complies with the applicable setback standards. The proposed building ranges in height from 10 feet to 25 feet above natural or existing grade (whichever is lower), in compliance with the maximum height limit for the HM zoning district, which is 25 feet.

The project is also required to comply with the requirements set forth in Section 17.20.150 (Hillside and Ridgeline Development) of the CMC. The Project does not meet the established 50-foot ridgeline setback standard set out in Section 17.20.150.C.2 of the Code because the previously graded and certified building pad was constructed directly on the natural ridgeline. The proposed project, therefore, requires a variance from the City's standards for Hillside and Ridgeline

Development (Chapter 17.20.150.C.3) to permit construction on the ridgeline. The project has, however, achieved other goals of the City's Hillside ordinance by including the use of landscape and rooflines in order to recreate the linear contours of a disturbed ridgeline and the use of plantings along the slope side of development to screen and soften the architecture. Therefore, and based also upon the Variance findings provided below, the proposed project meets this finding.

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

The General Plan designation for the subject property is Hillside Mountainous (HM). The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel located at 3121 Old Topanga Canyon Road. Approximately 4.65 acres (93% of the property) will be left undisturbed. The HM designation accommodates single-family detached housing in a low intensity, rural setting; therefore, the proposed project is consistent with the intended uses for the HM land use designation.

By offering an easement for public trail use in an area of the site near the location of an existing trail and adjacent to existing Santa Monica Mountains Conservancy Open Space, the applicant is complying with Policy X-13 of the General Plan, which requires trail planning as a condition of approval for future development projects on lands where proposed new trails are planned; this Policy is to be achieved within the legal limitations of the city's land use power and with due respect for private property rights.

Chapter IX of the General Plan emphasizes that new development shall conform to the character of its natural setting, and should be accomplished through infill and revitalization of existing developed areas in order to conserve undeveloped areas. It is crucial that future development is accommodated and shaped in infill locations in a manner that retains the character of Calabasas and minimizes environmental effects. In the development of the proposed project's design, the architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible and to provide a high-quality design. In particular, the articulated, four-wing design minimizes the home's visible mass, reducing the visual impacts. The project's design also utilized building orientation to maximize natural ventilation and uses deep eaves to provide passive cooling and reduce energy needs. The proposed design complies with the following General Plan Policies: (1) Policy IX-1, which requires that new development is of high-quality design, aesthetically pleasing,

and contributes to a positive image for the City; (2) Policy IX-5, which requires that new development is aesthetically compatible with the area's natural environment; (3) Policy IX-6, which requires that that new development preserve views of identified scenic resources from designated scenic corridors; (4) Policy IX-8, which requires that new developments establish architectural and siting design themes that are compatible with the surrounding context, the natural environment, etc.; (5) Policy IX-12, which requires that development provide appropriate transitions between different projects and between suburban and rural/semi-rural land uses through the provision of buffer areas, landscaping, etc.; (6) Policy IX-14, which promotes lower level lighting/illumination through implementation of the City's Dark Skies ordinance; and (6) Policy IX-16, which requires integration of sustainable practices into the design of developments, including site planning, building form, materials and landscaping.

Policy III-14 encourages preservation of all significant ridgelines and other significant topographic features. Approximately 93% of the rugged topography and hillsides are being preserved by this proposal; however, the applicant is requesting a variance from the ridgeline preservation requirement because the previously graded and certified building pad was constructed directly on the natural ridgeline and because utilizing the existing pad would minimize additional landform alteration and grading. The "ridgeline" location is actually this man-made flat building pad that was carved into the site more than 20 years ago. Adherence to Policy III-14 actually dictates that site development be accomplished on the previously graded pad, so as to preserve the balance of the undisturbed site and significant topographical features in their natural state. This proposal is also in conformance with other Hillside Management policies, such as Policy III-12, which encourages minimizing the alteration of existing landforms and maintaining the natural topographic characteristic of hillside areas, allowing only the minimal disruption required to recognize basic property rights. Therefore, and based upon the Variance findings provided below, the proposed project is in compliance with the General Plan.

The project is also required to comply with the City's Scenic Corridor Development Guidelines. The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas from Old Topanga Canyon Road. The setbacks, roofline variation and orientation, use of colors and materials consistent with the natural color palette, and the installation of landscape would reduce the impact of the ridgeline location of the home when viewed from the scenic corridor. Based on the visual simulations prepared to assess the impact of the project on the scenic corridor, with the exception of occupying a designated significant ridgeline, the project is otherwise consistent with the City's development guidelines for scenic

corridors, including those that pertain to minimization of grading, as well as scale, coloration, and other standards which the City uses to achieve the goal of minimizing visual impacts within scenic corridors. Therefore, the proposed project meets this finding.

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

An Environmental Impact Report (EIR) was prepared for this project. In preparing the EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts, and the Planning Commission certified the adequacy of the EIR on April 30, 2015 via Planning Commission Resolution No. 2015-576. The EIR identifies the areas where the project may have a potential effect on the environment. All impacts listed as potentially significant have been mitigated to levels that are no longer significant, and a Mitigation, Monitoring and Reporting Program is incorporated by reference and attachment to this resolution.

4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;

The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel. The two properties to the east of the subject site are similarly zoned and sized, and like the subject parcel, have certified building pads that were constructed in 1991. Neither one of these two lots has yet been developed, but they are both zoned for and allow the same uses as the subject property, and will be subject to the same development standards as the proposed project. The property to the south of the project site is larger (almost twice the size) of the subject property, is also an existing legal, developable lot, but does not have a graded building pad on it. This lot is dual-zoned HM and OS, so any future development would be guided by the HM and OS zone development standards. The lot immediately west of the project site is protected open space owned by the Santa Monica Mountains Conservancy.

To the north, the project abuts a residential subdivision (the Calabasas Highlands) consisting of relatively small lots averaging 5,000 square-feet in size. Development in the Calabasas Highlands is subject to the standards established for the Calabasas Highlands overlay zone, which provide for a maximum Floor Area Ratio (FAR) of 0.45 and a maximum home size of 3,500 square-feet. Southeast of the project site, but not immediately adjacent, is the Old Topanga rural community, which is subject to the standards established for the Old

Topanga overlay zone. Lots in the Old Topanga community average approximately 12,500 square-feet in size and range from 2,844 to 62,345 square-feet, with homes limited to 3,500 square-feet. Staff conducted a home comparison analysis, which shows that the proposed FAR of the project is compatible with the FARs of existing homes in the Calabasas Highlands and Old Topanga communities; in fact, the proposed project's FAR is far lower than that of existing nearby homes. FARs for homes in the immediate vicinity range from 0.11 to 0.41, with an average of 0.36 – much greater than the proposed project's gross FAR of 0.04 (excluding the garage). Staff also calculated the average gross FAR of 24 existing homes located on HM-zoned properties along Mulholland Highway and Dry Canyon Cold Creek. The average FAR for these 24 homes is 0.068; again, greater than the proposed project's gross FAR of 0.04.

Additionally, the use of proposed earth-tone colors, slate roof tiles, wood siding, and rock accent would contribute to the blending of the home into the ridgeline profile, and the use of landscaping, as proposed, would also contribute to the screening and blending of the home into the surrounding natural environment when viewed from the scenic corridor. Therefore, it is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and*

The project proposes construction of a 7,633 square-foot single-family residence with an attached 661 sq. ft. garage, 1,320 sq. ft. basement, and appurtenant accessory structures (pool and spa) on an existing 5-acre lot. The project site is a previously disturbed parcel, which has an existing, graded building pad approximately 22,000-square-feet in size. The footprint of the proposed structure would cover approximately 6,844 square-feet of the site, for a site coverage calculation of 3.56%; and the total floor area proposed results in a FAR calculation of 0.05 (based on a net site area of 4.41 acres).

The Code does not set a maximum FAR or site coverage standard for development in the HM zoning district; therefore development size is limited via other standards, such as setbacks, height, and permeability. The project will provide 93.46% permeable surfaces, in conformance with the Code's requirement of 86% minimum permeable surface areas for the HM zoning district. The structure is set back a minimum of 50 feet from the front (east) property line, 70.4 feet from the rear (west) property line, 179.6 feet from the northern side property line, and 482.5 feet from the southern side property line. Section 17.16.020 of the Municipal Code requires that a structure in the HM zone be set back a minimum of 50 feet from the front and rear property lines

and 25 feet from the side property lines. The proposed project complies with the applicable setback standards. The proposed building ranges in height from 10 feet to 25 feet above natural or existing grade (whichever is lower), in compliance with the maximum height limit for the HM zoning district, which is 25 feet. Therefore, the proposed project meets this finding.

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

Proposed project development is concentrated on an existing graded building pad and will utilize an existing driveway. The graded building pad and the existing concrete driveway are currently the only significantly disturbed portions of the property. Minimal additional site disturbance will result from the proposed project, preserving over 90% of the existing rugged terrain remaining on site.

The addition of a building to this currently graded site would change the existing visual character of the site. However, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weather wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations.

As mentioned above, a dense landscape buffer is proposed along the southeast corner of the building pad to screen views of the house from the Scenic Corridor. A second dense landscape buffer is proposed along the northeast corner of the building pad to block views of the two-level portion of the house from the community to the north. Plant materials include Coast Live Oak, Bay Laurel, Arbutus Marina, and Jacaranda. New Coast Live Oak trees will complement existing oak trees on the site. The landscape plan places significant emphasis on hardscape, patios, and decks in proximity to the home. Exterior terraces, patios and walkways would be paved with Durango stone to blend in with the natural environment and to complement the proposed materials for the home. Therefore, the proposed project meets this finding.

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

1. The proposed project design complies with the scenic corridor development guidelines adopted by the council;

The addition of a building to this currently graded site would change the existing visual character of the site. However, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weather wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations.

Based on the visual simulations prepared to assess the impact of the Project on the scenic corridor, with the exception of occupying a designated significant ridgeline for which a Variance is recommended below, the Project would be otherwise consistent with the City's development guidelines for scenic corridors, including those that pertain to minimization of grading, as well as scale, coloration, and other standards which the City uses to achieve the goal of minimizing visual impacts within scenic corridors. Therefore, the proposed project meets this finding.

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

The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations. The articulated, four-wing design also reduces visibility from the scenic corridor, by minimizing the project's visible mass.

While the project would introduce night light into an area that is generally not illuminated, a Driveway Lighting Plan has been prepared for the project, and the plan complies with the requirements of the City's Dark Skies Ordinance to

prevent light trespass and limit sky glow. Additionally, lighting will be limited to the developed portion of the property, while approximately 93% of the site will remain in its natural state with no lighting whatsoever. Therefore the proposed project meets this finding.

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

The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations.

As mentioned above, a dense landscape buffer is proposed along the southeast corner of the building pad to screen views of the house from the Scenic Corridor. A second dense landscape buffer is proposed along the northeast corner of the building pad to block views of the two-level portion of the house from the community to the north. Plant materials include Coast Live Oak, Bay Laurel, Arbutus Marina, and Jacaranda. New Coast Live Oak trees will complement existing oak trees on the site. The landscape plan places significant emphasis on hardscape, patios, and decks in proximity to the home. Exterior terraces, patios and walkways would be paved with Durango stone to blend in with the natural environment and to complement the proposed materials for the home. Therefore, the proposed project meets this finding.

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

The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel. The two properties to the east of the subject site are similarly zoned and sized, and like the subject parcel, have certified building pads that were constructed in 1991. Neither one of these two lots has yet been developed, but they are both zoned for and allow the same uses as the subject property, and will be subject

to the same development standards as the proposed project. The property to the south of the project site is larger (almost twice the size) of the subject property, is also an existing legal, developable lot, but does not have a graded building pad on it. This lot is dual-zoned HM and OS, so any future development would be guided by the HM and OS zone development standards. The lot immediately west of the project site is protected open space owned by the Santa Monica Mountains Conservancy.

To the north, the project abuts a residential subdivision (the Calabasas Highlands) consisting of relatively small lots averaging 5,000 square-feet in size. Development in the Calabasas Highlands is subject to the standards established for the Calabasas Highlands overlay zone, which provide for a maximum Floor Area Ratio (FAR) of 0.45 and a maximum home size of 3,500 square-feet. Southeast of the project site, but not immediately adjacent, is the Old Topanga rural community, which is subject to the standards established for the Old Topanga overlay zone. Lots in the Old Topanga community average approximately 12,500 square-feet in size and range from 2,844 to 62,345 square-feet, with homes limited to 3,500 square-feet. Staff conducted a land development comparison analysis, which showed that the proposed FAR of the project is compatible with the FARs of existing homes in the Calabasas Highlands and Old Topanga communities; in fact, the proposed project's FAR is far lower than that of existing nearby homes. FARs for homes in the immediate vicinity range from 0.11 to 0.41, with an average of 0.36 – much greater than the proposed project's gross FAR of 0.04 (excluding the garage). Staff also calculated the average gross FAR of 24 existing homes located on HM-zoned properties along Mulholland Highway and Dry Canyon Cold Creek. The average FAR for these 24 homes is 0.068; again, greater than the proposed project's gross FAR of 0.04.

Additionally, the use of proposed earth-tone colors, slate roof tiles, wood siding, and rock accent would contribute to the blending of the home into the ridgeline profile, and the use of landscaping, as proposed, would also contribute to the screening and blending of the home into the surrounding natural environment when viewed from the scenic corridor. Additionally, a much greater portion of the subject property will remain in its natural state, compared to nearby residential properties. Therefore, it is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

Section 17.62.080 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Variance** provided that the following findings are made:

- 1. That there are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict application of this*

chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;

The City's current Hillside and Ridgeline Ordinance (adopted in 2010) requires development to be sited 50 feet below and horizontally away from a significant ridgeline. The project cannot meet the established 50-foot ridgeline setback standards set out in Section 17.20.15.C.2 because the previously graded and certified building pad was constructed directly on the natural ridgeline (e.g., with a zero-foot setback). The pad had been in place for approximately 20 years before the ridgeline was delineated in the City's General Plan and setback standards were established in the Development Code.

The subject site is located within the Hillside Mountainous (HM) zoning district. The Hillside Mountainous zone is a special purpose zone that characteristically includes properties larger in size with steep hillsides, rugged terrain, and visual resources (significant native vegetation, rock outcroppings, and/or ridgelines). Accordingly, the project site is characterized by steep slopes, with rugged topography on the south slope and a graded north slope. The existing, graded building pad is largely unvegetated with exposed soil. The topographical constraints prevent the proposed residence from being constructed elsewhere on the property without causing substantial amounts of disturbance through grading and other landform alterations.

While the subject property is on a designated significant ridgeline, the proposed project presents the special circumstance of being located on a legal, existing, graded and certified building pad, for which an access driveway has already been constructed per previous County approvals. Strict application of the ridgeline standard would require development on an undisturbed, steeply sloped, hillside portion of the lot, requiring nearly 12,300 cubic yards more grading and resulting in substantial habitat damage and destruction due to grading and the required fuel modification zone around the alternative hillside location. Additionally, development on the undisturbed hillside would increase construction costs by approximately \$1,393,375.00, imposing a substantial additional cost burden on the property owner, not required to be borne by other similarly situated property owners.

Strict application of the standard would also not take into account the existence of the disturbed, legal, graded pad on this parcel. Therefore, a special circumstance exists relative to the subject property when compared with other undisturbed HM-zoned properties and other properties located on a significant ridgeline. Given these circumstances, the proposed project meets this finding.

- 2. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same*

vicinity and zoning district and denied to the property owner for which the variance is sought;

The project site is located within the Hillside Mountainous (HM) zoning district and is required to comply with the permitted land uses for the HM zoning district. Construction of one single-family residence is the main allowed use in the HM zoning district. Other possible uses in the HM zoning district are ancillary to residential uses, namely residential care homes, manufactured homes, secondary dwelling units, and accessory structures. Other HM zoned properties in the immediate vicinity of the project site have not yet been developed. However, when they are developed, those structures would be subject to the same development standards as the proposed house. The two properties to the east of the project site, on which graded pads also already exist, would be allowed to have homes on the graded pads, because those two pads are not located on the ridgeline. In order for the subject property to enjoy the same substantial property rights as other property owners in the same vicinity, the proposed home would either have to be constructed on the graded ridgeline (as proposed) or would have to be built into the undisturbed southern slope of the property. Construction of a home on the undisturbed, steeply sloped, hillside portion of the lot would require nearly 12,300 cubic yards more grading and result in substantial habitat damage and destruction, which would be inconsistent with policies in the City's General Plan pertaining to habitat conservation, and would be inconsistent with zoning standards applicable to hillside grading.

Other HM-zoned properties in the City with homes constructed on a significant ridgeline are located approximately 1.5 miles northwest of the project site, along Dry Canyon Cold Creek. The homes located at 24359, 24353, and 24355 Dry Canyon Cold Creek are located on a significant ridgeline, on lots approximately 2.5 acres in size (half the size of the subject property). The homes on these three HM-zoned, ridgeline lots range in size from 3,532 square feet to 6,885 square-feet (excluding garages). The FARs range between 0.03 and 0.06, where the FAR for the proposed home, also excluding its garage, is 0.04, clearly within the range of other existing homes located on ridgelines and in the HM zone. Although these homes were constructed prior to the adoption of the ridgeline setback requirement, the pad on the subject property was also graded prior to the adoption of the requirement; and the existence of the graded, legal pad and the access driveway creates a special circumstance for this property owner. To this end, the granting of the variance is warranted and necessary to afford the subject property owner the same rights as properties in the vicinity with identical zoning and also located on designated significant ridgelines, to build a single-family residence on a ridgeline lot zoned HM. Denying the Variance would deny the applicant the right to build a house on a ridgeline lot zoned HM without the additional massive and unreasonable cost involved with

grading a new terraced set of building pads out of an undisturbed hillside (approximately \$1,393,375.00 in additional costs), without the additional unreasonable environmental impacts associated with this additional grading into the hillside, and without the additional habitat disturbance caused by the required fuel modification zone. Other properties in the vicinity zoned HM have single-family residences on the ridgeline, built without these massive and unreasonable additional impacts. Just as the three homes along Dry Canyon Cold Creek were built prior to the adoption of ridgeline protection standards, this property has an existing, legal graded pad approved and built prior to the adoption of ridgeline protection standards. Given these circumstances, the proposed project meets this finding.

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

The City's current Hillside and Ridgeline Ordinance (adopted in 2010) requires development to be sited 50 feet below and away from a significant ridgeline. Other undeveloped, ridgeline properties are subject to this standard, as is the subject property. What distinguishes the subject property from other undeveloped ridgeline properties is that, prior to the 2010 adoption of ridgeline protection policies, a 22,000 square-foot building pad was graded and certified along the ridgeline on this property. Additionally, an access driveway was constructed to that ridgeline pad. The natural ridgeline along the property was significantly altered (grading of as much as twenty-two feet), and no longer exists. The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new set of terraced building pads at a lower elevation and with additional retaining walls and drainage structures. A new single-family dwelling at the alternative, lower elevation, on the southern slope, visible from Old Topanga Canyon Road, would be both more visible from the scenic corridor and require nearly 12,300 cubic yards more grading, resulting in substantial habitat damage and destruction. More specifically, and in comparison to the proposed project, the alternative hillside location would damage: (1) 89% more habitat area for grading; (2) 49% more habitat area for fuel modification; and (3) 62% more total habitat area for grading and fuel modification.

Additionally, and as mentioned above, there are other HM-zoned lots approximately 1.5 miles from the project site with homes constructed on a significant ridgeline prior to the adoption of ridgeline policies. Granting this variance would allow the subject property to enjoy a proportionally equivalent amount of home space because the FAR of the proposed project is well within the range of the FAR of these other ridgeline homes in the HM zone.

Additionally, the proposed project's articulated, four-wing design, use of deep, low-hanging eaves, and varying roof-height is much more respectful of its ridgeline location than the design of these other homes. The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new building pad at a lower elevation. Therefore, granting this variance would not constitute the granting of a special privilege, and the proposed project meets this finding.

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

The proposed single-family home is in compliance with all applicable development standards for structures in the HM zoning district, with the exception of the ridgeline standard, for which a variance is recommended. Additionally, both the Fire Department and the Sheriff were asked to comment on the project during Development Review. The Sheriff had no safety concerns regarding this project. The Fire Department conceptually reviewed and approved fire access for the proposed project. Additionally, the Fire Department verified that access is acceptable by testing the driveway with an apparatus. The proposed new single-family residence will be served by a septic system that is required to comply with all applicable code requirements. No other public health, safety or welfare concerns arise from construction of a single-family residence, which is an allowed use in the HM zone, on an existing, legal lot. Given these circumstances, the proposed project meets this finding.

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

The General Plan designation for the subject property is Hillside Mountainous (HM). The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel located at 3121 Old Topanga Canyon Road. The HM designation accommodates single-family detached housing in a low intensity, rural setting; therefore, the proposed project is consistent with the intended uses for the HM land use designation.

Policy III-14 encourages preservation of all significant ridgelines and other significant topographic features. Approximately 93% of the rugged topography and hillsides are being preserved by this proposal; however, the applicant is requesting a variance from the ridgeline preservation requirement because the previously graded and certified building pad was constructed directly on the

natural ridgeline and because utilizing the existing pad would minimize additional landform alteration and grading. The “ridgeline” location is actually this man-made flat building pad that was carved into the site more than 20 years ago. Adherence to Policy III-14 actually dictates that site development be accomplished on the previously graded pad, so as to preserve the balance of the undisturbed site and significant topographical features in their natural state. This proposal is also in conformance with other Hillside Management policies, such as Policy III-12, which encourages minimizing the alteration of existing landforms and maintaining the natural topographic characteristic of hillside areas, allowing only the minimal disruption required to recognize basic property rights. Additionally, the ridgetop location preserves existing rock outcroppings, which would be destroyed by the alternative hillside location, due to required grading. Therefore, and based upon the Variance findings provided herein, the proposed project is in compliance with the General Plan.

Additionally, Chapter IX of the General Plan, more specifically Policies IX-1, IX-5, IX-6, IX-8, IX-12, IX-14, and IX-16, emphasize that new development shall conform to the character of its natural setting, and should be accomplished through infill and revitalization of existing developed areas in order to conserve undeveloped areas. The policies also emphasize high-quality, aesthetically pleasing, and sustainable designs for new development. It is crucial that future development is accommodated and shaped in infill locations in a manner that retains the character of Calabasas and minimizes environmental effects. In the development of the proposed project’s design, the architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible and to provide a high-quality design. The project design also utilized building orientation to maximize natural ventilation and provide deep eaves to provide passive cooling and reduce energy needs. The project design is therefore in compliance with the abovementioned Policies in Chapter IX of the General Plan.

No specific plan is applicable to this property. Therefore, and based upon the aforementioned Variance findings, the proposed project is in compliance with the General Plan.

Section 17.20.150(C)(3) of the Calabasas Municipal Code states that for projects that cannot meet the siting requirements of CMC Section 17.20.150(C)(2), the following findings must be made:

- 1. That alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used,*

and that the siting principals outlined in subsection (C)(4) have been applied; and

Section 5 of the Environmental Impact Report prepared for this project analyzed an alternative location for the proposed project one that is terraced into the hillside instead of on the ridge top. The analysis shows that the alternative project would have greater impacts than the proposed project in the following categories: aesthetics, air quality, biological resources, cultural resources, geology, hydrology and water quality, noise, and traffic (during construction). The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new building pad at a lower elevation. A structure at the alternative, lower elevation on the southern slope would be both more visible from the scenic corridor and require nearly 12,300 cubic yards more grading, resulting in substantial habitat damage and destruction and requiring six times the number of truck trips for export of dirt. It would also require significantly greater area to be modified annually for purposes of fuel modification (fire prevention), causing additional, and effectively permanent habitat damage. More specifically, Alternative #1 would impact 2.9 acres of habitat (58% of the 5-acre site) as a result of grading and fuel modification. In comparison to the proposed project, Alternative #1 would damage: (1) 89% more habitat area for grading; (2) 49% more habitat area for fuel modification; and (3) 62% more total habitat area for grading and fuel modification. The Alternative project would clearly result in substantial habitat damage.

The comparison of potential impacts between the proposed project and Alternative #1 in Section 5 of the DEIR, determined that the proposed project is the environmentally superior alternative. Additionally, the project has achieved other goals of the City's Hillside ordinance by including the use of landscape and rooflines in order to recreate the linear contours of a disturbed ridgeline and the use of plantings along the slope side of development to screen and soften the architecture –a technique that would not be as successful for the alternative project given its terraced, three-level hillside design. Therefore, the proposed project meets this finding.

2. *The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project, including minimized grading, reduced structural height, clustered structure, shape, materials, and color that allow the structure(s) to blend with the natural setting, and the use of native landscape for concealment of the project.*

The project proposes to utilize the existing, certified building pad to: (1) minimize the need for additional landform alterations and grading; (2) balance cut and fill; and (3) limit import/export. The home is situated on the pad so as

to minimize impacts to views from the Old Topanga Canyon Road scenic corridor by maintaining a single-story, appropriately oriented profile that follows the original ridgeline topography, consistent with the City's Scenic Corridor design guidelines.

The architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible, as required by the City's hillside design standards. Four wings branch off from the core of the residence. The wings of the home extend diagonally from the central core to the edge of the building envelope, creating deep courtyard setbacks between the wings and the central core, and providing wide separations between the wings along the east/west axis. Deep, low hanging eaves characterize the edge of the roofline of each wing of the house. These roofs increase gradually in height from 10 feet above grade at the outside edge to 25 feet above grade where the wing's roof merges with the core's peak roofline. In this manner, each wing at the northwest, southwest, northeast, and southeast edges of the building pad appears to be an independent home with a relatively small footprint when viewed from a downslope location. Meanwhile, the other protruding wings are out of view entirely, making the entire home appear much smaller. Along the east/west alignment of the home the wings are separated by approximately 60 - 70 feet, while the separation on the north/south axis is approximately 25 feet. Only a single story elevation is visible when the home is viewed from the south because lower levels are constructed under only the northwest and northeast wings. The Architectural Review Panel appreciated the general design and geometry of the proposed home and stated that the applicant's choice of colors and materials blends well with the natural environment. Given the proposed design strategies, the proposed project meets this finding.

Section 17.32.010 of the Calabasas Municipal Code (CMC) allows the review authority to approve an **Oak Tree Permit** provided that the following findings are made:

- 1. The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.*

The Project would not result in removal of any coast live oak trees due to either on-site or off-site construction. However, construction of the home would

result in encroachments into the protected zone of one oak tree, identified as Tree #2, which is adjacent to the development envelope of the proposed residence. Project construction would also encroach into the protected zone of four oak trees (Trees #16-19) during installation of utility lines within the existing driveway due to trenching. Off-site construction consisting of trenching and installation of utility line extensions within the Old Topanga Canyon Road right-of-way would also encroach into the protected zones of an additional 20 oak trees (Trees # 36, 37, 40 – 57). A total of five (5) coast live oak trees would potentially be impacted by fuel modification activities related to the structure and the access road.

The Project would impact scrub oak habitat, which is protected by the City of Calabasas Oak Tree Ordinance (Section 17.32 of the Calabasas Municipal Code). Project activities would impact up to 0.73 acre of scrub oak habitat, including 0.04 acre within the residential footprint (including the building, retaining walls, and paved decks), up to 0.68 acre within the area of fuel modification surrounding the residence, and up to 0.01 acre within the area of fuel modification surrounding the access driveway.

Development of any project on this property would require scrub oak thinning/removal for fuel modification as well as encroachment into the protected zones of oak trees (because driveway repair, utility line trenching, etc. would occur for any alternative home location or design). However, the Oak Tree Report concludes that encroachment activities will not result in significant long-term adverse impacts to the oak trees. This conclusion has been confirmed by the City's environmental consultant. To further ensure that adverse impacts to the trees are minimized, the applicant shall comply with all of the arborist's recommendations provided in the "Oak Tree Preservation Program" in the Oak Tree Report. Additionally, the applicant shall comply with Mitigation Measures 4.2-5 and 4.2-6 of the EIR. Mitigation Measure 4.2-5 identifies requirements for the alteration of scrub oak habitat, including the required mitigation of impacted scrub oak habitat at a 1:1 ratio. Mitigation Measure 4.2-6 identifies measures to minimize impacts of encroachment into the protected zone of the oak trees. Therefore, the proposed project meets this finding.

Section 6. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council approves File No. 130000718 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs

or any other costs arising out of or in any way related to the issuance of this site plan review, scenic corridor permit, oak tree permit and, variance or the activities conducted pursuant to these permits. Accordingly, to the fullest extent permitted by law, Broadway Trust, the property owner, shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of a site plan review, scenic corridor permit, oak tree permit and, variance or the activities conducted pursuant to these permits. Broadway Trust shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department/Planning

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division, dated January 7, 2015.
2. All project conditions shall be imprinted on the title sheet(s) of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff will be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

- 4.** The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
- 5.** This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
- 6.** This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
- 7.** Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with the Chapter 17.26 of the Calabasas Municipal Code to the Community Development Director for review and approval.
- 8.** All landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of Community Development or his/her designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency. Landscaping, once approved, shall be maintained in viable and healthy condition in perpetuity.
- 9.** All ground equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
- 10.** All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code.
- 11.** Irrigation shall comply with the irrigation standards provided in Section 17.26.050 (C) and (D) of the Code.
- 12.** Any future fencing proposals for this property shall be subject to the requirements of Section 17.20.100(H) (wildlife friendly fencing).

13. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors palette.

14. Prior to commencement of construction, all necessary grading and building permits must be obtained from the department of Public Works and the Building and Safety Division, respectively.

15. The project must comply with the building standards in effect at the time of submittal to Building & Safety Division for plan review.

16. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of the Fire Code applicable at the time of Building and Safety Division plan review must be incorporated into all plans.

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

18. The applicant shall implement all required mitigation measures identified in the Mitigation Monitoring and Reporting Program of the Final EIR dated December 1, 2014.

19. An easement for any physical improvements and utility construction encroaching onto any adjacent property (i.e. the driveway) shall be created, recorded and submitted to the Community Development Department prior to issuance of building permits.

20. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder, pending review and consideration at a public hearing by the Planning Commission.

21. Prior to any use of the project site, all conditions of approval and mitigation measures shall be completed to the satisfaction of the Director of Community Development.

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

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

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

23. Any City-approved work within the protected zones of oak trees and scrub oak habitat, including branch removals, shall be performed under the direct inspection/observation of the applicant's arborist, and may be subject to further review by the City arborist, as necessary.

24. Copies of the Oak Tree Report shall be kept on-site during all construction.

25. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.

26. At the completion of construction, the applicant shall have in place three inches of approved mulch throughout the dripline of each encroached oak tree unless the natural leaf litter is present, or other provisions are deemed appropriate by the project arborist(s) and/or the City arborist.

27. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City's Planning Division, describing all work performed and whether such work was performed in accordance with the permit conditions.

28. Oak trees that are to be preserved on site during construction shall be fenced with a temporary fence at the location of their protected zones, at the limit of grading, or at limits prescribed by the City Engineer and/or City arborist prior to commencement of any grading, except for trees considered inaccessible to construction activity.

29. The Applicant shall demarcate the limits of disturbance within or adjacent to scrub oak habitat with sturdy exclusionary fencing to prevent encroachment of Project activities into scrub oak habitat. The fencing shall be marked with highly visible flagging and signed as a sensitive area. The City's oak tree consultant shall

verify the fencing has been correctly installed prior to grading. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction.

30. Following construction, a City-qualified arborist shall conduct annual monitoring for a minimum of five years, as warranted by site conditions, to ensure continued health of the scrub oak habitat that has been altered or temporarily disturbed.

31. If an oak tree that has been encroached upon or that has been subject to fuel modification is determined to have died, either during construction or within the post-construction monitoring period, the applicant shall offset the loss as required by the City's Oak Tree Ordinance, by either replacement at a 1:1 ratio of trunk diameter at an on-site or off-site location approved by the City, or by contribution of the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.

32. The Applicant shall submit an oak tree mitigation plan to the Planning Division and obtain approval prior to issuance of a Certificate of Occupancy. Scrub oak habitat impacted by the Project (including 0.04 acres within the residential footprint, up to 0.68 acre within the area of fuel modification surrounding the residence, and up to 0.01 acre within the area of fuel modification surrounding the access driveway) shall be provided at a 1:1 ratio at an on-site or off-site location approved by the City as mitigation for scrub oak habitat that is removed or altered by the Project. Alternatively, the Project could contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund. The Project Fuel Modification Plan states that the required thinning and clearance for Zone C will be determined upon inspection. Therefore, the acreage of scrub oak removed for fuel modification purposes shall be determined for mitigation purposes by a qualified biologist or Certified arborist in consultation with LACFD. Wherever impacts to scrub oak habitat are not permanent, scrub oak habitat that has been removed or altered by construction activities shall be fully restored by planting replacement scrub oak and associated species within the disturbed areas.

33. All oak trees planted as part of the landscape buffers along the southeast and northeast perimeters of the home shall be treated as mitigation oaks and shall be monitored annually by a certified arborist for a minimum of five years. If an oak tree is determined to have died within that five years, the tree(s) shall be replaced in the same location.

34. No activity, such as equipment or building material storage, deposit of debris and trash, or vehicle or trailer parking shall be allowed within the protected zones of any oak tree at any time.

35. Any oak tree pruning approved by the Planning Division prior to commencement of work shall be executed only after notification of the oak tree consultant and the City.

36. Oak tree pruning deemed necessary by the applicant's arborist but not previously approved by the City shall not be performed until a written request for pruning has been submitted and approved by the City.

37. All oak tree pruning shall be performed to the standards set forth by the International Society of Arboriculture (ISA) and by an ISA certified arborist under the direct supervision of the applicant's oak tree consultant.

38. Unless otherwise approved by the Community Development Director, all work conducted within the protected zone shall be accomplished using hand tools only. Use of tractors and other vehicles is prohibited. Roots will be severed cleanly with a saw, avoiding torn, ragged, or shattered ends. The recommendations included in the "Work Procedures Program" in the oak Tree Report shall be implemented to avoid indiscriminant damage.

Community Development Department/Building and Safety

39. Swimming pool barriers shall be provided per 2013 California Building Code.

40. The project shall comply with all provisions of the 2013 California Building Code regarding exiting area.

41. The final approved septic system design shall be reviewed and approved by the Building and Safety Division of the Community Development Department and shall include measures to provide emergency electricity (solar battery storage or generators), back flow prevention to ensure that the septic system will be fully operational and safe from accidental wastewater release and shall be in conformance with Section 17.18.020.C.3.2 of the Calabasas Municipal Code. The final design shall comply with all current requirements of the Regional Water Quality Control Board (RWQCB).

Public Works Department/Engineering

STREET IMPROVEMENTS:

42. The applicant shall install a mailbox and posts per Postal Services requirements and standards. Secure approval of location from the U.S. Postal Service prior to installation.

43. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.

44. The horizontal and vertical alignment for the project's access driveway shall satisfy requirements of the County of Los Angeles Fire Department and the City Engineer.

GRADING AND GEOTECHNICAL:

45. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design of the proposed residential construction. The plans should include, but not be limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction and over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, and other drainage devices necessary for the interception, conveyance and disposal of on-site and offsite drainage consistent with the project drainage report. The plan shall include designs for wet utility services including sanitary sewers and water lines.

46. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvements including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of Los Angeles standards and to the satisfaction of the City of Calabasas Public Works Department standards and requirements.

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

48. The applicant agrees to address and mitigate any and all geotechnical design engineering and construction issues not contained within these conditions, but associated with the proposed development that may arise during final design and/or construction.

49. The applicant shall eliminate all geologic hazards associated with this proposed development as identified in the Final Geotechnical Report, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.

50. All retaining and privacy walls shall be in conformance with the City's wall requirements pursuant to CMC Section 17.20.100. Any variations require Planning Division approval. The wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading shall be so noted on the plans and must have the approval of the City Engineer.

51. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage devices.

52. Prior to Issuance of a Grading Permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Public Works Form K).

53. Prior to commencement of work under a grading permit, the contractor shall conduct a preconstruction meeting with the City. The contractor shall be responsible for setting the meeting time, date and location and notifying City staff at least one week in advance of the meeting.

54. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1), which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform to the approved Grading and Drainage Plans. If the field conditions deviate from the approved plans without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.

55. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission.

56. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto Public Streets shall be enforced. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites. Prior to start of hauling operations, the applicant shall obtain a Haul Route permit from the Public Works Department.

57. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report and Grading and Drainage Plans. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.

58. Rough Grade Report. At the completion of rough grading, the project Geotechnical Engineer shall submit a comprehensive rough grade report summarizing the required observations, verifications, related tests, and other pertinent documentation to the City Engineer for review and approval.

59. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) and Building Pad (Public Works Form Q) Certifications on the City's forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey where deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.

60. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department and the Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**

61. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, reflecting the as-built field conditions, including any changes to the approved plan, to the satisfaction of the City Engineer. As-built plans shall be furnished prior to initiation of final inspection by the Public Works Department.

62. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P). The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

HYDROLOGY AND DRAINAGE

63. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q_{25}). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the Capital Flood storm recurrence interval (Q_{50BB}) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.

64. All drainage devices, pipes, and structures in the approved grading plan shall be the sole responsibility of the applicant to construct and applicant shall maintain those devices, pipes and structures located on their property. Adequate access shall be established and easements will be provided to the City. A maintenance covenant shall be recorded against the property to ensure that all drainage devices, pipes and structures not located in public right-of-way are properly maintained. Provisions will be provided and approved by the City of Calabasas Public Works Department that ensure that proper maintenance is provided, and provisions to reimburse the City for any remedial work that will, at the City's sole discretion, require the City to maintain the before-mentioned devices and structures should they not be properly maintained.

65. The applicant shall provide for the proper interception, conveyance and disposal of off-site drainage contributions from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.

66. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal.

UTILITIES

67. The project shall construct water system with fire flow requirements to the satisfaction of Las Virgenes Municipal Water District (LVMWD) and the County of Los Angeles Fire Department. The applicant shall submit proof of design approvals to Public Works prior to the issuance of a Grading Permit.

68. Water service meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.

Public Works Department/Traffic & Transportation

69. The applicant and all subsequent property owners shall maintain slope easements at the intersection of the private driveway and Old Topanga Canyon Road to provide uninterrupted adequate sight distance.

70. The applicant shall pay to the City a Citywide Traffic Mitigation fee in the amount of \$1,230 for a single-family residence prior to issuance of a Building Permit.

Public Works Department/Environmental Services Division

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

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

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

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

- a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

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

73. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.

74. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." Crown Disposal Co, Inc. is the only service provider permitted to operate in Calabasas. Please contact (818-767-0675) for any roll-off or temporary container services. An Encroachment Permit is required prior to placing a refuse bin/container on the street.

75. Grading shall be prohibited from October 1st through April 15th, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.

76. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

Los Angeles County Fire Department

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

Section 7. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby denies the appeal and upholds the Planning Commission decision to certify the adequacy of an Environmental Impact Report and approve a project application for: (1) a Site Plan Review; (2) a Variance (to build on a significant ridgeline); (3) an Oak Tree Permit (to encroach into the protected zone of 25 oak trees and for potential thinning of scrub oak as necessary for fuel modification); and (4) a Scenic Corridor Permit (for development within a designated scenic corridor) to allow for construction of a 7,633 sq. ft. single-family residence with an attached 661 sq. ft. garage, 1,320 sq. ft. basement, and appurtenant accessory structures on a previously graded pad on an existing legal 5-acre lot located at 3121 Old Topanga Canyon Road (APN 2072-023-013) within the Hillside Mountainous (HM) zoning district and Scenic Corridor (SC) overlay zone.

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 10th day of June, 2015.

Lucy M. Martin, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott Howard, City Attorney

Attachment 1: Mitigation, Monitoring and Reporting Program (MMRP)

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

**Mitigation and Monitoring and Reporting Program
3121 Old Topanga Canyon Road Project**

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
Biological Resources				
<p>MM 4.2-1 - Prior to commencement of ground or vegetation disturbing activities at the Project site, a qualified biologist shall conduct two surveys for special-status wildlife species. The first survey shall be conducted no more than seven (7) days prior to commencement of Project activities and the second survey shall be conducted no more than three (3) days prior to the commencement of Project activities. The survey shall incorporate methods to detect the special-status wildlife species that could potentially occur at the site. To the extent feasible, special-status species shall be avoided. If avoidance is not feasible, the species shall be captured and transferred to an appropriate habitat and location where it would not be harmed by Project activities. The biologist shall hold the requisite permits for the capture and handling of the species. If a special-status wildlife species is found during the surveys, the biologist shall monitor all ground and vegetation disturbing activities at the Project site throughout site preparation activities. Prior to commencement of the proposed activity, the methods and results of the surveys and, if a special-status species is found, the measures to be employed to avoid impacts to the species shall be presented in a letter report to the Community Development Director and CDFW. Should a federally listed species be found, activities shall be postponed until the Applicant consults with the USFWS.</p>	A. Conduct preconstruction surveys for special-status wildlife.	From 7 – 3 days prior to disturbance to nesting habitat.	Applicant /biological consultant	Calabasas Community Development Department
	B. Prepare letter report to Calabasas Community Development Department, CDFW, and USFWS, if applicable, on special-status species avoidance measures.	Prior to vegetation clearance	Applicant / biological consultant	Calabasas Community Development Department California Department of Fish and Wildlife
<p>MM 4.2-2 - Project activities, including but not limited to site preparation, construction, or fuel modification activities, with potential to disturb suitable bird-nesting habitat shall be prohibited within the breeding/nesting season for native bird species (February 1 through August 31). If the breeding/nesting season cannot be avoided, then no earlier than 7 days prior to Project activities with potential to disturb suitable bird nesting habitat that would occur during the</p>	A. Conduct preconstruction nesting bird surveys	From 7 – 3 days prior to disturbance to nesting habitat if construction is scheduled to start February 1 through August 31.	Applicant / biological consultant	Calabasas Community Development Department California Department of Fish and Wildlife

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>nesting/breeding season (February 1 through August 31), a City-approved biologist shall perform two field surveys to determine if active nests of any bird species protected by the State or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code Sections 3503, 3503.5, or 3511 are present at the limits of disturbance or within 500 feet of the limits of disturbance. The second nesting bird survey shall be conducted within three days of the start of the Project activities. In the event that an active nest(s) is (are) found within the survey area, Project activities with potential to disturb suitable bird nesting habitat within the 500-foot radius shall stop until consultation with the City, CDFW, and USFWS (when applicable, i.e. if the nesting birds are listed under the federal Endangered Species Act), is conducted and an appropriate setback can be established. The buffer shall be demarcated and Project activities within the buffer shall be postponed or halted, at the discretion of a biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Prior to start of Project activities, the biologist shall submit a letter report discussing the nesting bird survey methods and results, as well as any measures to be implemented to avoid harm or disturbance to nesting birds to the Planning Director, CDFW, and USFWS, if applicable.</p>	<p>B. Delay project activities within 300 or 500 ft. of nests or nesting habitat until August 31 or until nests are vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting.</p>	<p>During construction (February 1 through August 31)</p>	<p>Applicant / biological consultant</p>	<p>Calabasas Community Development Department California Department of Fish and Wildlife</p>
<p>MM 4.2-3 – Only non-invasive ornamental plant species or appropriate native plant species shall be used for landscaping of the Project site. Excluded species shall include, but not be limited to, those listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or which are listed as ‘noxious weeds’ by the State of California or the U.S. federal Government.</p> <p>The Applicant shall submit a Revised Landscaping Plan, which shall be reviewed by a City of Calabasas approved qualified biologist or restoration ecologist to exclude all potentially invasive ornamental species. Pride of Madeira</p>	<p>A. Submit a Revised Landscaping Plan</p> <p>B. Conduct site inspections to ensure the appropriate plant materials have been planted and are maintained</p>	<p>Prior to issuance of building permit</p> <p>Through the life of the Project.</p>	<p>Applicant / Landscape Architect</p> <p>Calabasas Community Development Department</p>	<p>Calabasas Community Development Department</p> <p>Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>(Echium fastuosum), and fruiting varieties of Olea europaea (olive) shall be among those species excluded from use in landscaping. The City of Calabasas shall conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the life of the Project.</p>				
<p>MM 4.2-4 – The 0.13 acre of California brittle bush shrubland that would be impacted by the Project shall be compensated for at a 2:1 ratio. To the extent possible, this shall be accomplished by the on-site restoration of disturbed habitats (e.g., non-native grassland) to California brittle bush shrubland. Onsite restoration should be implemented only where suitable conditions exist to support a viable California brittle bush plant community. Wherever impacts to California brittle bush shrubland are not permanent, California brittle bush shrubland that has been removed or disturbed by construction activities shall be fully restored by planting California brittle bush and associated species within the disturbed areas. If on-site restoration is not possible, compensation for the removal of California brittle bush shrubland may be accomplished by off-site restoration of in-kind habitat or by a contribution to an in-lieu fee program approved by the Planning Director and the CDFW.</p> <p>In-lieu fees shall be used for the restoration of in-kind habitat.</p> <p>A restoration plan shall be developed by a qualified biologist, restoration ecologist or resource specialist, and approved by the Community Development Director and CDFW prior to issuance of the grading permit for the Project. In broad terms, the plan shall at a minimum include:</p> <ul style="list-style-type: none"> • Description of the project/impact and mitigation sites • Specific objectives • Success criteria • Plant palette • Implementation plan • Maintenance activities 	<p>On-site restoration of California brittle bush shrubland, or off-site restoration of in-kind habitat, or contribution to an in-lieu fee program approved by the Planning Director and the CDFW.</p>	<p>Prior to development. Monitoring and reporting to CDFW on annual basis for five years.</p>	<p>Applicant</p>	<p>Calabasas Community Development Department</p> <p>California Department of Fish and Wildlife</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> • Monitoring plan • Contingency measures <p>Success criteria shall, at a minimum, be evaluated based on appropriate survival rates and percent cover of planted native species, as well as control of invasive plant species within the restoration area.</p> <p>The restoration project shall be initiated prior to development of the Project and shall be implemented over a five-year period. The restoration project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the restoration plan, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the restoration project shall be submitted to the Community Development Director and the CDFW. Five years after Project start, a final report shall be submitted to the Planning Director and CDFW, which shall, at a minimum, discuss the implementation, monitoring and management of the restoration project over the five-year period, and indicate whether the restoration project has, in part, or in whole, been successful based on established success criteria. The project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the Planning Director and the CDFW.</p>				
<p>MM 4.2-5 – The Applicant shall comply with the conditions required by an Oak Tree Permit to be obtained from the City prior to removal, alteration, or disturbance of scrub oak habitat. All construction work activities that would remove, alter, or otherwise disturb scrub oak habitat shall minimize impacts by implementing the following requirements:</p> <ul style="list-style-type: none"> • All work conducted within and adjacent to scrub oak habitat shall be performed in the presence of a Certified Arborist, and shall be verified by the City’s oak tree consultant. 	A. Obtain an oak tree permit	Prior to issuance of building permit	Applicant	Calabasas Community Development Department
	B. Monitor encroachments of oak trees	During encroachments, and survey annually for five years	Applicant / arborist	Calabasas Community Development Department
	C. On-site restoration of	Prior to development,	Applicant	Calabasas

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> The Applicant shall demarcate the limits of disturbance within or adjacent to scrub oak habitat with sturdy exclusionary fencing to prevent encroachment of Project activities into scrub oak habitat. The fencing shall be marked with highly visible flagging and signed as a sensitive area. The City's oak tree consultant shall verify the fencing has been correctly installed prior to grading. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction. Following construction, a certified Arborist shall conduct annual monitoring for a minimum of five years as warranted by site conditions, to ensure continued health of the scrub oak habitat that has been altered or temporarily disturbed. <p>Scrub oak habitat impacted by the Project, including 0.04 acre within the residential footprint (including the building, retaining walls, and paved decks), 0.96 acres within the area of fuel modification surrounding the residence, and 0.01 acre within the area of fuel modification surrounding the access driveway shall be provided at a 1:1 ratio at an onsite or offsite location approved by the City as mitigation for scrub oak habitat that is removed or altered by the Project.</p> <p>Wherever impacts to scrub oak habitat are not permanent, scrub oak habitat that has been removed or altered by construction activities shall be fully restored by planting replacement scrub oak and associated species within the disturbed areas.</p> <p>Alternatively, the Project could contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.</p>	<p>scrub oak habitat, or off-site restoration of in-kind habitat, or contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.</p>	<p>Monitoring and reporting to CDFW on annual basis for five years.</p>		<p>Community Development Department</p> <p>California Department of Fish and Wildlife</p>
<p>MM 4.2-6 – The Applicant shall comply with the conditions required by the Oak Tree Permit to be obtained from the City</p>	<p>A. Obtain an oak tree permit</p>	<p>Prior to issuance of</p>	<p>Applicant</p>	<p>Calabasas Community</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>prior to encroachment into oak tree protection zones for construction and fuel modification activities including grading and excavation. All construction work activities that would encroach into oak tree protection zones shall minimize impacts by implementing the following requirements:</p> <ul style="list-style-type: none"> All grading, excavation work or fuel modification conducted within the protection zone of native oak trees or adjacent to scrub oak habitat shall be performed in the presence of a Certified Arborist, and shall be verified by the City's oak tree consultant. Trees that are to be and fuel modification preserved on the site during construction shall be fenced at the location of their protected zones or at the limit of grading with a temporary chain link fence prior to commencement of grading unless they are considered inaccessible to construction activity. Fencing may be placed at the limit of grading or excavation in order to allow approved work to be done inside the protected zones. The City's oak tree consultant shall verify the fencing has been correctly installed prior to grading. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction. Unless otherwise approved by the Planning Director, all work conducted within the protected zone shall be accomplished using hand tools only. Use of tractors and other cleanly with a saw, avoiding torn, ragged, or shattered ends. Following construction, a certified Arborist shall conduct annual monitoring for a minimum of five years as warranted by site conditions, or as directed by the Project's Oak Tree Permit, to ensure continued health of the oak trees encroached on by Project activities. 		building permit		Development Department
	B. Monitor encroachments of oak trees	During encroachments, and survey annually for five years	Applicant / arborist	Calabasas Community Development Department

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> If an encroached oak tree is determined to have died, either during construction or within the post-construction monitoring period, the Applicant shall offset the loss as required by the City's Oak Tree Ordinance, by either replacement at a 1:1 ratio of trunk diameter at an onsite or offsite location approved by the City, or by contribution of the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund. 				
Cultural Resources				
<p>MM IS V.b. - A qualified archaeologist shall monitor construction until recent historic fill or modern natural sterile layers are again encountered. In the event that cultural resources are exposed during Project-related activities, construction activities shall be halted immediately. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (National Park Service 1983) shall be retained to evaluate the finds' significance under CEQA.</p>	<p>A qualified archaeological monitor will observe soil layers disturbed by construction activities at least three times per week to ensure that native soils are not being encountered. If intact native soil is exposed, as determined by the archaeological monitor, full time archaeological monitoring should take place until such soil is no longer being encountered.</p>	<p>During site grading and trenching</p>	<p>Applicant / Archaeologist</p>	<p>Calabasas Community Development Department</p>
<p>MM IS V.c. - A qualified paleontologist shall monitor trenching in Old Topanga Road, along the concrete driveway, and any excavation on the Project site until recent historic fill or modern natural sterile layers are encountered. In the event that paleontological resources are exposed during Project-related activities, construction activities shall be halted immediately and a paleontologist shall evaluate the finds' significance under CEQA.</p>	<p>A paleontological monitor will observe grading or trenching activity that occurs within bedrock material.</p>	<p>During site grading and trenching</p>	<p>Applicant / Paleontologist</p>	<p>Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>MM IS V.d. - If human remains are uncovered, the County Coroner must be notified and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) must be notified and permitted to identify the Most Likely Descendant (MLD). The treatment of the remains and associated funerary items will be coordinated between the MLD and the landowner or the landowner's authorized representative per the requirements of Public Resources Code Section 5097.98, and archaeological consultant. All non-funerary materials recovered from this property must be curated in a federally recognized repository.</p>	<p>Regulatory notification protocols must be followed if human remains are discovered, beginning with notification of the County Coroner.</p>	<p>During construction ground disturbance activities</p>	<p>Applicant / Contractor</p>	<p>Calabasas Community Development Department</p>
<p>Recreation</p>				
<p>MM 4.3-1 The Applicant must record an irrevocable easement for public trail purposes in the alignment illustrated in Figure 4.3-4 (or reasonable variations to be agreed upon by the Applicant and the City), in a form acceptable to the City Attorney. The easement must be recorded prior to the issuance of any building permit for Project development. All parties (i.e., the City, the Applicant (grantor) and the trail grantee) must agree to the easement deed restriction language. The trail grantee may be the City or another public or non-profit entity acceptable to the City.</p> <p>The imposition of mitigation measure MM 4.3-1 is conditioned on acceptance of the easement and assumption of all of the liability and responsibility for the use and maintenance of the easement (without condition or recourse to the Applicant or any subsequent homeowner) by the City or other public or nonprofit entity known by and acceptable to the City. In the absence of a grantee willing to accept the easement, the Applicant shall record an offer to dedicate an easement to the City, or another public or non-profit entity acceptable to the City. The approximate easement location is illustrated in Figure 4.3-4 of the DEIR. The offered easement shall be for the purpose of allowing recreational trail use and maintenance activities described in the Calabasas Trails Master Plan (2007) to provide legal public trail access across</p>	<p>Record an easement or an offer for an easement, for public trail purposes in the alignment illustrated in Figure 4.3-4.</p>	<p>Prior to issuance of building permit</p>	<p>Applicant and City or another entity acceptable to the City</p>	<p>Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>that portion of the property. The offer to record an easement shall include:</p> <ul style="list-style-type: none"> • A legal description and depiction of the easement alignment and width; • The responsibilities and rights of the Grantor; • The responsibilities and rights of the Grantee; and • Prohibited use or activities within the easement by the Grantor or the Grantee. 				

Attachment B (Project Plans) is available for viewing by contacting Planning Department Staff during normal office hours at (818) 224-1600.

P.C. RESOLUTION NO. 2015-576

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. 130000718, INCLUSIVE OF (1) A SITE PLAN REVIEW; (2) A VARIANCE; (3) AN OAK TREE PERMIT; AND (4) A SCENIC CORRIDOR PERMIT TO ALLOW FOR CONSTRUCTION OF A 7,633 SQ. FT. SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 661 SQ. FT. GARAGE, 1,320 SQ. FT. BASEMENT, AND APPURTENANT ACCESSORY STRUCTURES ON A PREVIOUSLY GRADED PAD ON AN EXISTING LEGAL 5-ACRE LOT LOCATED AT 3121 OLD TOPANGA CANYON ROAD (APN 2072-023-013) WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND SCENIC CORRIDOR (SC) OVERLAY ZONE, AND TO CERTIFY THE ADEQUACY OF THE ASSOCIATED FINAL ENVIRONMENTAL IMPACT REPORT.

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

1. Agenda reports prepared by the Community Development Department.
2. Staff presentations at the public hearings held on January 15, 2015, March 5, 2015, and April 30, 2015 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. The Environmental Impact Report, inclusive of public comments and responses to comments.

7. All related documents received and/or submitted at or prior to the public hearing.

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

1. The applicant submitted an application for File No. 130000718 on June 10, 2013.
2. Revised plans were submitted on the following dates: August 7, 2013, October 9, 2013, December 18, 2013, and March 7, 2014.
3. An Initial Study was made available for public review on May 30, 2014, and a scoping meeting was held on June 12, 2014. The public circulation period for the Initial Study ended on June 30, 2014.
4. The Draft Environmental Impact Report was made available for public review on September 3, 2014; the public review period ended on October 20, 2014. Comments sent to Planning staff were responded to and incorporated in the Final Environmental Impact Report.
5. On June 4, 2014, the application was deemed complete and the applicant was notified.
6. Noticed public hearings were held on January 15, 2015, March 5, 2015, and April 30, 2015.
7. Notices of the January 15, 2015, March 5, 2015, and April 30, 2015 Planning Commission public hearings were posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Hills/Calabasas Community Center, and at Calabasas City Hall.
8. Notices of the January 15, 2015, March 5, 2015, and April 30, 2015 Planning Commission public hearings were mailed or delivered to property owners within 500 feet of the property as shown on the latest equalized assessment roll, and was mailed or delivered at least twenty (20) days prior to the hearing to the project applicant.
9. Notice of Planning Commission public hearings included the notice requirements set forth in Government Code Section 65009 (b)(2).
10. The project site is currently zoned Hillside Mountainous (HM) with an overlay zoning designation of Scenic Corridor (SC).
11. The land use designation for the project site under the City's adopted General Plan is Hillside Mountainous (HM).

12. Properties surrounding the project site are zoned HM-SC, RC-OT-SC, and RC-CH, and have corresponding General Plan land use designations of HM and RC.

Section 3. In view of all of the evidence presented and based on the following findings and conclusions, the Planning Commission hereby certifies the adequacy of the Final Environmental Impact Report (EIR), in accordance with CEQA guidelines, Sections 15090 and 15091.

EIR CERTIFICATION

Based upon the facts and information contained in the proposed Final Environmental Impact Report, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission certifies that: (1) the Final Environmental Impact Report has been prepared in full compliance with the California Environmental Quality Act and the State CEQA Guidelines promulgated thereunder; (2) the Final Environmental Impact Report reflects the independent judgment and analysis of the City; and (3) this Commission has reviewed and considered the information contained in said Environmental Impact Report with regard to the project application, and has determined the analysis to be fully adequate.

EIR FINDINGS

- A. The Planning Commission acknowledges that pursuant to Section 15091 of the CEQA Guidelines, "No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation for the rationale for each finding.

Because the Final EIR identifies one or more potentially significant environmental effects of the proposed project, the Planning Commission hereby adopts the Statement of Facts and Findings set forth below as required by Section 15091 of the CEQA Guidelines:

- i. Based on the analyses provided in the Initial Study and EIR prepared for this project, the project may cause potentially significant impacts in the areas of "biological resources" and "recreation" (trails) unless the appropriate mitigation measures are incorporated and implemented.
- ii. Therefore, mitigation measures have been incorporated into the project via the Mitigation Monitoring and Reporting Program (MMRP) attached as Attachment A to this Resolution to mitigate

any potential impacts to levels that are less than significant. The MMRP includes six (6) mitigation measures for biological resources and one (1) mitigation measure for recreational facilities (trails). The MMRP also includes cultural resources monitoring protocols discussed in the project's Initial Study.

- B. The Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program set forth in the Final EIR and attached to this Resolution as Attachment A.
- C. The foregoing findings and determinations, which reflect the independent analysis of the City of the matters in the record pertaining thereto and are the independent judgment of the City, are based on the information in the record, including but not limited to the findings set forth herein. The Planning Commission further finds that substantial evidence exists to support each of these findings.
- D. The Planning Commission hereby identifies that the location of records with respect to the Final EIR and other documents and materials constituting the record of proceedings with respect to the certification of the Final EIR is the Community Development Department of the City of Calabasas, and that the custodian of records with respect to the Final EIR and other documents and material constituting the record of proceedings with respect to the certification of the Final EIR is the Director of Community Development of the City of Calabasas.

Section 4. The Community Development Department staff shall prepare a Notice of Determination for the Final EIR consistent with State CEQA Guidelines Section 15094(b), and shall promptly file the Notice of Determination with the County Clerk of the County of Los Angeles.

Section 5. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows in regards to the project development application:

FINDINGS

Section 17.62.020 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Site Plan Review Permit** provided that the following findings are made:

1. *The proposed project complies with all applicable provisions of this Development Code;*

The project site is located within the Hillside Mountainous (HM) zoning district and is required to comply with the permitted land uses for the HM zoning

district established in Section 17.11.010 of the CMC as well as the development standards provided in Section 17.16.020 of the CMC for development in the HM zone. Construction of one single-family residence is an allowed use in the HM zoning district. The Code does not set a maximum FAR or site coverage standard for development in the HM zoning district; therefore development size is limited via other standards, such as setbacks, height, and permeability. The project will provide 93.46% permeable surface area, in conformance with the Code's requirement of 86% minimum permeable surfaces for the HM zoning district. The structure is set back a minimum of 50 feet from the front (east) property line, 70.4 feet from the rear (west) property line, 179.6 feet from the northern side property line, and 482.5 feet from the southern side property line. Section 17.16.020 of the Municipal Code requires that a structure in the HM zone be set back a minimum of 50 feet from the front and rear property lines and 25 feet from the side property lines. The proposed project complies with the applicable setback standards. The proposed building ranges in height from 10 feet to 25 feet above natural or existing grade (whichever is lower), in compliance with the maximum height limit for the HM zoning district, which is 25 feet.

The project is also required to comply with the requirements set forth in Section 17.20.150 (Hillside and Ridgeline Development) of the CMC. The Project does not meet the established 50-foot ridgeline setback standard set out in Section 17.20.150.C.2 of the Code because the previously graded and certified building pad was constructed directly on the natural ridgeline. The proposed project, therefore, requires a variance from the City's standards for Hillside and Ridgeline Development (Chapter 17.20.150.C.3) to permit construction on the ridgeline. The project has, however, achieved other goals of the City's Hillside ordinance by including the use of landscape and rooflines in order to recreate the linear contours of a disturbed ridgeline and the use of plantings along the slope side of development to screen and soften the architecture. Therefore, and based also upon the Variance findings provided below, the proposed project meets this finding.

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

The General Plan designation for the subject property is Hillside Mountainous (HM). The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel located at 3121 Old Topanga Canyon Road. Approximately 4.65 acres (93% of the property) will be left undisturbed. The HM designation accommodates single-family detached housing in a low intensity, rural setting; therefore, the proposed project is consistent with the intended uses for the HM land use designation.

By offering an easement for public trail use in an area of the site near the location of an existing trail and adjacent to existing Santa Monica Mountains Conservancy Open Space, the applicant is complying with Policy X-13 of the General Plan, which requires trail planning as a condition of approval for future development projects on lands where proposed new trails are planned; this Policy is to be achieved within the legal limitations of the city's land use power and with due respect for private property rights.

Chapter IX of the General Plan emphasizes that new development shall conform to the character of its natural setting, and should be accomplished through infill and revitalization of existing developed areas in order to conserve undeveloped areas. It is crucial that future development is accommodated and shaped in infill locations in a manner that retains the character of Calabasas and minimizes environmental effects. In the development of the proposed project's design, the architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible and to provide a high-quality design. In particular, the articulated, four-wing design minimizes the home's visible mass, reducing the visual impacts. The project's design also utilized building orientation to maximize natural ventilation and uses deep eaves to provide passive cooling and reduce energy needs. The proposed design complies with the following General Plan Policies: (1) Policy IX-1, which requires that new development is of high-quality design, aesthetically pleasing, and contributes to a positive image for the City; (2) Policy IX-5, which requires that new development is aesthetically compatible with the area's natural environment; (3) Policy IX-6, which requires that that new development preserve views of identified scenic resources from designated scenic corridors; (4) Policy IX-8, which requires that new developments establish architectural and siting design themes that are compatible with the surrounding context, the natural environment, etc.; (5) Policy IX-12, which requires that development provide appropriate transitions between different projects and between suburban and rural/semi-rural land uses through the provision of buffer areas, landscaping, etc.; (6) Policy IX-14, which promotes lower level lighting/illumination through implementation of the City's Dark Skies ordinance; and (6) Policy IX-16, which requires integration of sustainable practices into the design of developments, including site planning, building form, materials and landscaping.

Policy III-14 encourages preservation of all significant ridgelines and other significant topographic features. Approximately 93% of the rugged topography and hillsides are being preserved by this proposal; however, the applicant is requesting a variance from the ridgeline preservation requirement because the previously graded and certified building pad was constructed directly on the natural ridgeline and because utilizing the existing pad would minimize additional landform alteration and grading. The "ridgeline" location is actually

this man-made flat building pad that was carved into the site more than 20 years ago. Adherence to Policy III-14 actually dictates that site development be accomplished on the previously graded pad, so as to preserve the balance of the undisturbed site and significant topographical features in their natural state. This proposal is also in conformance with other Hillside Management policies, such as Policy III-12, which encourages minimizing the alteration of existing landforms and maintaining the natural topographic characteristic of hillside areas, allowing only the minimal disruption required to recognize basic property rights. Therefore, and based upon the Variance findings provided below, the proposed project is in compliance with the General Plan.

The project is also required to comply with the City's Scenic Corridor Development Guidelines. The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas from Old Topanga Canyon Road. The setbacks, roofline variation and orientation, use of colors and materials consistent with the natural color palette, and the installation of landscape would reduce the impact of the ridgeline location of the home when viewed from the scenic corridor. Based on the visual simulations prepared to assess the impact of the project on the scenic corridor, with the exception of occupying a designated significant ridgeline, the project is otherwise consistent with the City's development guidelines for scenic corridors, including those that pertain to minimization of grading, as well as scale, coloration, and other standards which the City uses to achieve the goal of minimizing visual impacts within scenic corridors. Therefore, the proposed project meets this finding.

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

An Environmental Impact Report (EIR) was prepared for this project. In preparing the EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The EIR identifies the areas where the project may have a potential effect on the environment. All impacts listed as potentially significant have been mitigated to levels that are no longer significant.

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

The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel. The two properties to the east of the subject site are similarly zoned and sized, and like the subject parcel, have certified building pads that were

constructed in 1991. Neither one of these two lots has yet been developed, but they are both zoned for and allow the same uses as the subject property, and will be subject to the same development standards as the proposed project. The property to the south of the project site is larger (almost twice the size) of the subject property, is also an existing legal, developable lot, but does not have a graded building pad on it. This lot is dual-zoned HM and OS, so any future development would be guided by the HM and OS zone development standards. The lot immediately west of the project site is protected open space owned by the Santa Monica Mountains Conservancy.

To the north, the project abuts a residential subdivision (the Calabasas Highlands) consisting of relatively small lots averaging 5,000 square-feet in size. Development in the Calabasas Highlands is subject to the standards established for the Calabasas Highlands overlay zone, which provide for a maximum Floor Area Ratio (FAR) of 0.45 and a maximum home size of 3,500 square-feet. Southeast of the project site, but not immediately adjacent, is the Old Topanga rural community, which is subject to the standards established for the Old Topanga overlay zone. Lots in the Old Topanga community average approximately 12,500 square-feet in size and range from 2,844 to 62,345 square-feet, with homes limited to 3,500 square-feet. Staff conducted a home comparison analysis, which shows that the proposed FAR of the project is compatible with the FARs of existing homes in the Calabasas Highlands and Old Topanga communities; in fact, the proposed project's FAR is far lower than that of existing nearby homes. FARs for homes in the immediate vicinity range from 0.11 to 0.41, with an average of 0.36 – much greater than the proposed project's gross FAR of 0.04 (excluding the garage). Staff also calculated the average gross FAR of 24 existing homes located on HM-zoned properties along Mulholland Highway and Dry Canyon Cold Creek. The average FAR for these 24 homes is 0.068; again, greater than the proposed project's gross FAR of 0.04.

Additionally, the use of proposed earth-tone colors, slate roof tiles, wood siding, and rock accent would contribute to the blending of the home into the ridgeline profile, and the use of landscaping, as proposed, would also contribute to the screening and blending of the home into the surrounding natural environment when viewed from the scenic corridor. Therefore, it is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and*

The project proposes construction of a 7,633 square-foot single-family residence with an attached 661 sq. ft. garage, 1,320 sq. ft. basement, and appurtenant accessory structures (pool and spa) on an existing 5-acre lot.

The project site is a previously disturbed parcel, which has an existing, graded building pad approximately 22,000-square-feet in size. The footprint of the proposed structure would cover approximately 6,844 square-feet of the site, for a site coverage calculation of 3.56%; and the total floor area proposed results in a FAR calculation of 0.05 (based on a net site area of 4.41 acres).

The Code does not set a maximum FAR or site coverage standard for development in the HM zoning district; therefore development size is limited via other standards, such as setbacks, height, and permeability. The project will provide 93.46% permeable surfaces, in conformance with the Code's requirement of 86% minimum permeable surface areas for the HM zoning district. The structure is set back a minimum of 50 feet from the front (east) property line, 70.4 feet from the rear (west) property line, 179.6 feet from the northern side property line, and 482.5 feet from the southern side property line. Section 17.16.020 of the Municipal Code requires that a structure in the HM zone be set back a minimum of 50 feet from the front and rear property lines and 25 feet from the side property lines. The proposed project complies with the applicable setback standards. The proposed building ranges in height from 10 feet to 25 feet above natural or existing grade (whichever is lower), in compliance with the maximum height limit for the HM zoning district, which is 25 feet. Therefore, the proposed project meets this finding.

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

Proposed project development is concentrated on an existing graded building pad and will utilize an existing driveway. The graded building pad and the existing concrete driveway are currently the only significantly disturbed portions of the property. Minimal additional site disturbance will result from the proposed project, preserving over 90% of the existing rugged terrain remaining on site.

The addition of a building to this currently graded site would change the existing visual character of the site. However, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weather wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations.

As mentioned above, a dense landscape buffer is proposed along the southeast corner of the building pad to screen views of the house from the Scenic Corridor. A second dense landscape buffer is proposed along the northeast corner of the building pad to block views of the two-level portion of the house from the community to the north. Plant materials include Coast Live Oak, Bay Laurel, Arbutus Marina, and Jacaranda. New Coast Live Oak trees will complement existing oak trees on the site. The landscape plan places significant emphasis on hardscape, patios, and decks in proximity to the home. Exterior terraces, patios and walkways would be paved with Durango stone to blend in with the natural environment and to complement the proposed materials for the home. Therefore, the proposed project meets this finding.

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

1. *The proposed project design complies with the scenic corridor development guidelines adopted by the council;*

The addition of a building to this currently graded site would change the existing visual character of the site. However, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weather wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations.

Based on the visual simulations prepared to assess the impact of the Project on the scenic corridor, with the exception of occupying a designated significant ridgeline for which a Variance is recommended below, the Project would be otherwise consistent with the City's development guidelines for scenic corridors, including those that pertain to minimization of grading, as well as scale, coloration, and other standards which the City uses to achieve the goal of minimizing visual impacts within scenic corridors. Therefore, the proposed project meets this finding.

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

The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations. The articulated, four-wing design also reduces visibility from the scenic corridor, by minimizing the project's visible mass.

While the project would introduce night light into an area that is generally not illuminated, a Driveway Lighting Plan has been prepared for the project, and the plan complies with the requirements of the City's Dark Skies Ordinance to prevent light trespass and limit sky glow. Additionally, lighting will be limited to the developed portion of the property, while approximately 93% of the site will remain in its natural state with no lighting whatsoever. Therefore the propose project meets this finding.

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

The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, natural colored stone veneer and bronze windows and doors; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) and minimizing impacts of views from the Scenic Corridor by setting back the peak of the roof from the edge of the ridgeline and aligning it with the original ridgeline profile so as to reduce its visibility from downslope locations.

As mentioned above, a dense landscape buffer is proposed along the southeast corner of the building pad to screen views of the house from the Scenic Corridor. A second dense landscape buffer is proposed along the northeast corner of the building pad to block views of the two-level portion of the house from the community to the north. Plant materials include Coast Live Oak, Bay Laurel, Arbutus Marina, and Jacaranda. New Coast Live Oak trees will complement existing oak trees on the site. The landscape plan places significant emphasis on hardscape, patios, and decks in proximity to the home. Exterior terraces, patios and walkways would be paved with

Durango stone to blend in with the natural environment and to complement the proposed materials for the home. Therefore, the proposed project meets this finding.

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

The proposed project consists of construction of a 7,633 square-foot single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel. The two properties to the east of the subject site are similarly zoned and sized, and like the subject parcel, have certified building pads that were constructed in 1991. Neither one of these two lots has yet been developed, but they are both zoned for and allow the same uses as the subject property, and will be subject to the same development standards as the proposed project. The property to the south of the project site is larger (almost twice the size) of the subject property, is also an existing legal, developable lot, but does not have a graded building pad on it. This lot is dual-zoned HM and OS, so any future development would be guided by the HM and OS zone development standards. The lot immediately west of the project site is protected open space owned by the Santa Monica Mountains Conservancy.

To the north, the project abuts a residential subdivision (the Calabasas Highlands) consisting of relatively small lots averaging 5,000 square-feet in size. Development in the Calabasas Highlands is subject to the standards established for the Calabasas Highlands overlay zone, which provide for a maximum Floor Area Ratio (FAR) of 0.45 and a maximum home size of 3,500 square-feet. Southeast of the project site, but not immediately adjacent, is the Old Topanga rural community, which is subject to the standards established for the Old Topanga overlay zone. Lots in the Old Topanga community average approximately 12,500 square-feet in size and range from 2,844 to 62,345 square-feet, with homes limited to 3,500 square-feet. Staff conducted a land development comparison analysis, which showed that the proposed FAR of the project is compatible with the FARs of existing homes in the Calabasas Highlands and Old Topanga communities; in fact, the proposed project's FAR is far lower than that of existing nearby homes. FARs for homes in the immediate vicinity range from 0.11 to 0.41, with an average of 0.36 – much greater than the proposed project's gross FAR of 0.04 (excluding the garage). Staff also calculated the average gross FAR of 24 existing homes located on HM-zoned properties along Mulholland Highway and Dry Canyon Cold Creek. The average FAR for these 24 homes is 0.068; again, greater than the proposed project's gross FAR of 0.04.

Additionally, the use of proposed earth-tone colors, slate roof tiles, wood siding, and rock accent would contribute to the blending of the home into the ridgeline profile, and the use of landscaping, as proposed, would also contribute to the screening and blending of the home into the surrounding natural environment when viewed from the scenic corridor. Additionally, a much greater portion of the subject property will remain in its natural state, compared to nearby residential properties. Therefore, it is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

Section 17.62.080 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Variance** provided that the following findings are made:

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

The City's current Hillside and Ridgeline Ordinance (adopted in 2010) requires development to be sited 50 feet below and horizontally away from a significant ridgeline. The project cannot meet the established 50-foot ridgeline setback standards set out in Section 17.20.15.C.2 because the previously graded and certified building pad was constructed directly on the natural ridgeline (e.g., with a zero-foot setback). The pad had been in place for approximately 20 years before the ridgeline was delineated in the City's General Plan and setback standards were established in the Development Code.

The subject site is located within the Hillside Mountainous (HM) zoning district. The Hillside Mountainous zone is a special purpose zone that characteristically includes properties larger in size with steep hillsides, rugged terrain, and visual resources (significant native vegetation, rock outcroppings, and/or ridgelines). Accordingly, the project site is characterized by steep slopes, with rugged topography on the south slope and a graded north slope. The existing, graded building pad is largely unvegetated with exposed soil. The topographical constraints prevent the proposed residence from being constructed elsewhere on the property without causing substantial amounts of disturbance through grading and other landform alterations.

While the subject property is on a designated significant ridgeline, the proposed project presents the special circumstance of being located on a legal, existing, graded and certified building pad, for which an access driveway has already been constructed per previous County approvals. Strict application of the ridgeline standard would require development on an undisturbed, steeply sloped, hillside portion of the lot, requiring nearly 12,300

cubic yards more grading and resulting in substantial habitat damage and destruction due to grading and the required fuel modification zone around the alternative hillside location. Additionally, development on the undisturbed hillside would increase construction costs by approximately \$1,393,375.00, imposing a substantial additional cost burden on the property owner; not required to be borne by other similarly situated property owners.

Strict application of the standard would also not take into account the existence of the disturbed, legal, graded pad on this parcel. Therefore, a special circumstance exists relative to the subject property when compared with other undisturbed HM-zoned properties and other properties located on a significant ridgeline. Given these circumstances, the proposed project meets this finding.

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

The project site is located within the Hillside Mountainous (HM) zoning district and is required to comply with the permitted land uses for the HM zoning district. Construction of one single-family residence is the main allowed use in the HM zoning district. Other possible uses in the HM zoning district are ancillary to residential uses, namely residential care homes, manufactured homes, secondary dwelling units, and accessory structures. Other HM zoned properties in the immediate vicinity of the project site have not yet been developed. However, when they are developed, those structures would be subject to the same development standards as the proposed house. The two properties to the east of the project site, on which graded pads also already exist, would be allowed to have homes on the graded pads, because those two pads are not located on the ridgeline. In order for the subject property to enjoy the same substantial property rights as other property owners in the same vicinity, the proposed home would either have to be constructed on the graded ridgeline (as proposed) or would have to be built into the undisturbed southern slope of the property. Construction of a home on the undisturbed, steeply sloped, hillside portion of the lot would require nearly 12,300 cubic yards more grading and result in substantial habitat damage and destruction, which would be inconsistent with policies in the City's General Plan pertaining to habitat conservation, and would be inconsistent with zoning standards applicable to hillside grading.

Other HM-zoned properties in the City with homes constructed on a significant ridgeline are located approximately 1.5 miles northwest of the project site, along Dry Canyon Cold Creek. The homes located at 24359, 24353, and 24355 Dry Canyon Cold Creek are located on a significant ridgeline, on lots approximately 2.5 acres in size (half the size of the subject

property). The homes on these three HM-zoned, ridgeline lots range in size from 3,532 square feet to 6,885 square-feet (excluding garages). The FARs range between 0.03 and 0.06, where the FAR for the proposed home, also excluding its garage, is 0.04, clearly within the range of other existing homes located on ridgelines and in the HM zone. Although these homes were constructed prior to the adoption of the ridgeline setback requirement, the pad on the subject property was also graded prior to the adoption of the requirement; and the existence of the graded, legal pad and the access driveway creates a special circumstance for this property owner. To this end, the granting of the variance is warranted and necessary to afford the subject property owner the same rights as properties in the vicinity with identical zoning and also located on designated significant ridgelines, to build a single-family residence on a ridgeline lot zoned HM. Denying the Variance would deny the applicant the right to build a house on a ridgeline lot zoned HM without the additional massive and unreasonable cost involved with grading a new terraced set of building pads out of an undisturbed hillside (approximately \$1,393,375.00 in additional costs), without the additional unreasonable environmental impacts associated with this additional grading into the hillside, and without the additional habitat disturbance caused by the required fuel modification zone. Other properties in the vicinity zoned HM have single-family residences on the ridgeline, built without these massive and unreasonable additional impacts. Just as the three homes along Dry Canyon Cold Creek were built prior to the adoption of ridgeline protection standards, this property has an existing, legal graded pad approved and built prior to the adoption of ridgeline protection standards. Given these circumstances, the proposed project meets this finding.

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

The City's current Hillside and Ridgeline Ordinance (adopted in 2010) requires development to be sited 50 feet below and away from a significant ridgeline. Other undeveloped, ridgeline properties are subject to this standard, as is the subject property. What distinguishes the subject property from other undeveloped ridgeline properties is that, prior to the 2010 adoption of ridgeline protection policies, a 22,000 square-foot building pad was graded and certified along the ridgeline on this property. Additionally, an access driveway was constructed to that ridgeline pad. The natural ridgeline along the property was significantly altered (grading of as much as twenty-two feet), and no longer exists. The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new set of terraced building pads at a lower elevation and with additional retaining walls and drainage structures. A new single-family dwelling at the alternative, lower elevation, on the southern slope, visible from Old Topanga Canyon Road, would be both more

visible from the scenic corridor and require nearly 12,300 cubic yards more grading, resulting in substantial habitat damage and destruction. More specifically, and in comparison to the proposed project, the alternative hillside location would damage: (1) 89% more habitat area for grading; (2) 49% more habitat area for fuel modification; and (3) 62% more total habitat area for grading and fuel modification.

Additionally, and as mentioned above, there are other HM-zoned lots approximately 1.5 miles from the project site with homes constructed on a significant ridgeline prior to the adoption of ridgeline policies. Granting this variance would allow the subject property to enjoy a proportionally equivalent amount of home space because the FAR of the proposed project is well within the range of the FAR of these other ridgeline homes in the HM zone. Additionally, the proposed project's articulated, four-wing design, use of deep, low-hanging eaves, and varying roof-height is much more respectful of its ridgeline location than the design of these other homes. The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new building pad at a lower elevation. Therefore, granting this variance would not constitute the granting of a special privilege, and the proposed project meets this finding.

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

The proposed single-family home is in compliance with all applicable development standards for structures in the HM zoning district, with the exception of the ridgeline standard, for which a variance is recommended. Additionally, both the Fire Department and the Sheriff were asked to comment on the project during Development Review. The Sheriff had no safety concerns regarding this project. The Fire Department conceptually reviewed and approved fire access for the proposed project. Additionally, the Fire Department verified that access is acceptable by testing the driveway with an apparatus. The proposed new single-family residence will be served by a septic system that is required to comply with all applicable code requirements. No other public health, safety or welfare concerns arise from construction of a single-family residence, which is an allowed use in the HM zone, on an existing, legal lot. Given these circumstances, the proposed project meets this finding.

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

The General Plan designation for the subject property is Hillside Mountainous (HM). The proposed project consists of construction of a 7,633 square-foot

single-family residence plus associated garage area, basement, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 5-acre parcel located at 3121 Old Topanga Canyon Road. The HM designation accommodates single-family detached housing in a low intensity, rural setting; therefore, the proposed project is consistent with the intended uses for the HM land use designation.

Policy III-14 encourages preservation of all significant ridgelines and other significant topographic features. Approximately 93% of the rugged topography and hillsides are being preserved by this proposal; however, the applicant is requesting a variance from the ridgeline preservation requirement because the previously graded and certified building pad was constructed directly on the natural ridgeline and because utilizing the existing pad would minimize additional landform alteration and grading. The "ridgeline" location is actually this man-made flat building pad that was carved into the site more than 20 years ago. Adherence to Policy III-14 actually dictates that site development be accomplished on the previously graded pad, so as to preserve the balance of the undisturbed site and significant topographical features in their natural state. This proposal is also in conformance with other Hillside Management policies, such as Policy III-12, which encourages minimizing the alteration of existing landforms and maintaining the natural topographic characteristic of hillside areas, allowing only the minimal disruption required to recognize basic property rights. Additionally, the ridgetop location preserves existing rock outcroppings, which would be destroyed by the alternative hillside location, due to required grading. Therefore, and based upon the Variance findings provided herein, the proposed project is in compliance with the General Plan.

Additionally, Chapter IX of the General Plan, more specifically Policies IX-1, IX-5, IX-6, IX-8, IX-12, IX-14, and IX-16, emphasize that new development shall conform to the character of its natural setting, and should be accomplished through infill and revitalization of existing developed areas in order to conserve undeveloped areas. The policies also emphasize high-quality, aesthetically pleasing, and sustainable designs for new development. It is crucial that future development is accommodated and shaped in infill locations in a manner that retains the character of Calabasas and minimizes environmental effects. In the development of the proposed project's design, the architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible and to provide a high-quality design. The project design also utilized building orientation to maximize natural ventilation and provide deep eaves to provide passive cooling and reduce energy needs. The project design is therefore in compliance with the abovementioned Policies in Chapter IX of the General Plan.

No specific plan is applicable to this property. Therefore, and based upon the aforementioned Variance findings, the proposed project is in compliance with the General Plan.

Section 17.20.150(C)(3) of the Calabasas Municipal Code states that for projects that cannot meet the siting requirements of CMC Section 17.20.150(C)(2), the following findings must be made:

1. *That alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used, and that the siting principals outlined in subsection (C)(4) have been applied; and*

Section 5 of the Environmental Impact Report prepared for this project analyzed an alternative location for the proposed project one that is terraced into the hillside instead of on the ridge top. The analysis shows that the alternative project would have greater impacts than the proposed project in the following categories: aesthetics, air quality, biological resources, cultural resources, geology, hydrology and water quality, noise, and traffic (during construction). The design of the proposed home and the use of the existing building pad will visually recreate the original ridgeline profile on the site while eliminating the need to grade a new building pad at a lower elevation. A structure at the alternative, lower elevation on the southern slope would be both more visible from the scenic corridor and require nearly 12,300 cubic yards more grading, resulting in substantial habitat damage and destruction and requiring six times the number of truck trips for export of dirt. It would also require significantly greater area to be modified annually for purposes of fuel modification (fire prevention), causing additional, and effectively permanent habitat damage. More specifically, Alternative #1 would impact 2.9 acres of habitat (58% of the 5-acre site) as a result of grading and fuel modification. In comparison to the proposed project, Alternative #1 would damage: (1) 89% more habitat area for grading; (2) 49% more habitat area for fuel modification; and (3) 62% more total habitat area for grading and fuel modification. The Alternative project would clearly result in substantial habitat damage.

The comparison of potential impacts between the proposed project and Alternative #1 in Section 5 of the DEIR, determined that the proposed project is the environmentally superior alternative. Additionally, the project has achieved other goals of the City's Hillside ordinance by including the use of landscape and rooflines in order to recreate the linear contours of a disturbed ridgeline and the use of plantings along the slope side of development to screen and soften the architecture –a technique that would not be as successful for the alternative project given its terraced, three-level hillside design. Therefore, the proposed project meets this finding.

2. *The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project, including minimized grading, reduced structural height, clustered structure, shape, materials, and color that allow the structure(s) to blend with the natural setting, and the use of native landscape for concealment of the project.*

The project proposes to utilize the existing, certified building pad to: (1) minimize the need for additional landform alterations and grading; (2) balance cut and fill; and (3) limit import/export. The home is situated on the pad so as to minimize impacts to views from the Old Topanga Canyon Road scenic corridor by maintaining a single-story, appropriately oriented profile that follows the original ridgeline topography, consistent with the City's Scenic Corridor design guidelines.

The architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible, as required by the City's hillside design standards. Four wings branch off from the core of the residence. The wings of the home extend diagonally from the central core to the edge of the building envelope, creating deep courtyard setbacks between the wings and the central core, and providing wide separations between the wings along the east/west axis. Deep, low hanging eaves characterize the edge of the roofline of each wing of the house. These roofs increase gradually in height from 10 feet above grade at the outside edge to 25 feet above grade where the wing's roof merges with the core's peak roofline. In this manner, each wing at the northwest, southwest, northeast, and southeast edges of the building pad appears to be an independent home with a relatively small footprint when viewed from a downslope location. Meanwhile, the other protruding wings are out of view entirely, making the entire home appear much smaller. Along the east/west alignment of the home the wings are separated by approximately 60 - 70 feet, while the separation on the north/south axis is approximately 25 feet. Only a single story elevation is visible when the home is viewed from the south because lower levels are constructed under only the northwest and northeast wings. The Architectural Review Panel appreciated the general design and geometry of the proposed home and stated that the applicant's choice of colors and materials blends well with the natural environment. Given the proposed design strategies, the proposed project meets this finding.

Section 17.32.010 of the Calabasas Municipal Code (CMC) allows the review authority to approve an **Oak Tree Permit** provided that the following findings are made:

1. *The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of*

the property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.

The Project would not result in removal of any coast live oak trees due to either on-site or off-site construction. However, construction of the home would result in encroachments into the protected zone of one oak tree, identified as Tree #2, which is adjacent to the development envelope of the proposed residence. Project construction would also encroach into the protected zone of four oak trees (Trees #16-19) during installation of utility lines within the existing driveway due to trenching. Off-site construction consisting of trenching and installation of utility line extensions within the Old Topanga Canyon Road right-of-way would also encroach into the protected zones of an additional 20 oak trees (Trees # 36, 37, 40 – 57). A total of five (5) coast live oak trees would potentially be impacted by fuel modification activities related to the structure and the access road.

The Project would impact scrub oak habitat, which is protected by the City of Calabasas Oak Tree Ordinance (Section 17.32 of the Calabasas Municipal Code). Project activities would impact up to 0.73 acre of scrub oak habitat, including 0.04 acre within the residential footprint (including the building, retaining walls, and paved decks), up to 0.68 acre within the area of fuel modification surrounding the residence, and up to 0.01 acre within the area of fuel modification surrounding the access driveway.

Development of any project on this property would require scrub oak thinning/removal for fuel modification as well as encroachment into the protected zones of oak trees (because driveway repair, utility line trenching, etc. would occur for any alternative home location or design). However, the Oak Tree Report concludes that encroachment activities will not result in significant long-term adverse impacts to the oak trees. This conclusion has been confirmed by the City's environmental consultant. To further ensure that adverse impacts to the trees are minimized, the applicant shall comply with all of the arborist's recommendations provided in the "Oak Tree Preservation Program" in the Oak Tree Report. Additionally, the applicant shall comply with Mitigation Measures 4.2-5 and 4.2-6 of the EIR. Mitigation Measure 4.2-5 identifies requirements for the alteration of scrub oak habitat, including the required mitigation of impacted scrub oak habitat at a 1:1 ratio. Mitigation Measure 4.2-6 identifies measures to minimize impacts of encroachment into the protected zone of the oak trees. Therefore, the proposed project meets this finding.

Section 6. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No. 130000718 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this site plan review, scenic corridor permit, oak tree permit and, variance or the activities conducted pursuant to these permits. Accordingly, to the fullest extent permitted by law, Broadway Trust, the property owner, shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of a site plan review, scenic corridor permit, oak tree permit and, variance or the activities conducted pursuant to these permits. Broadway Trust shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department/Planning

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division, dated January 7, 2015.
2. All project conditions shall be imprinted on the title sheet(s) of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff will be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

4. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
5. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
6. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
7. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with the Chapter 17.26 of the Calabasas Municipal Code to the Community Development Director for review and approval.
8. All landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of Community Development or his/her designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency. Landscaping, once approved, shall be maintained in viable and healthy condition in perpetuity.
9. All ground equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
10. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code.
11. Irrigation shall comply with the irrigation standards provided in Section 17.26.050 (C) and (D) of the Code.

12. Any future fencing proposals for this property shall be subject to the requirements of Section 17.20.100(H) (wildlife friendly fencing).
13. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors palette.
14. Prior to commencement of construction, all necessary grading and building permits must be obtained from the department of Public Works and the Building and Safety Division, respectively.
15. The project must comply with the building standards in effect at the time of submittal to Building & Safety Division for plan review.
16. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of the Fire Code applicable at the time of Building and Safety Division plan review must be incorporated into all plans.
17. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
18. The applicant shall implement all required mitigation measures identified in the Mitigation Monitoring and Reporting Program of the Final EIR dated December 1, 2014.
19. An easement for any physical improvements and utility construction encroaching onto any adjacent property (i.e. the driveway) shall be created, recorded and submitted to the Community Development Department prior to issuance of building permits.
20. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder, pending review and consideration at a public hearing by the Planning Commission.
21. Prior to any use of the project site, all conditions of approval and mitigation measures shall be completed to the satisfaction of the Director of Community Development.
22. Construction Activities - Hours of construction activity shall be limited to:
 - i. 7:00 a.m. to 5:00 p.m., Monday through Friday
 - ii. 8:00 a.m. to 5:00 p.m., Saturday

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

23. Any City-approved work within the protected zones of oak trees and scrub oak habitat, including branch removals, shall be performed under the direct inspection/observation of the applicant's arborist, and may be subject to further review by the City arborist, as necessary.
24. Copies of the Oak Tree Report shall be kept on-site during all construction.
25. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.
26. At the completion of construction, the applicant shall have in place three inches of approved mulch throughout the dripline of each encroached oak tree unless the natural leaf litter is present, or other provisions are deemed appropriate by the project arborist(s) and/or the City arborist.
27. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City's Planning Division, describing all work performed and whether such work was performed in accordance with the permit conditions.
28. Oak trees that are to be preserved on site during construction shall be fenced with a temporary fence at the location of their protected zones, at the limit of grading, or at limits prescribed by the City Engineer and/or City arborist prior to commencement of any grading, except for trees considered inaccessible to construction activity.
29. The Applicant shall demarcate the limits of disturbance within or adjacent to scrub oak habitat with sturdy exclusionary fencing to prevent encroachment of Project activities into scrub oak habitat. The fencing shall be marked with highly visible flagging and signed as a sensitive area. The City's oak tree consultant shall verify the fencing has been correctly installed prior to grading. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction.
30. Following construction, a City-qualified arborist shall conduct annual monitoring for a minimum of five years, as warranted by site conditions, to ensure continued health of the scrub oak habitat that has been altered or temporarily disturbed.

31. If an oak tree that has been encroached upon or that has been subject to fuel modification is determined to have died, either during construction or within the post-construction monitoring period, the applicant shall offset the loss as required by the City's Oak Tree Ordinance, by either replacement at a 1:1 ratio of trunk diameter at an on-site or off-site location approved by the City, or by contribution of the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.
32. The Applicant shall submit an oak tree mitigation plan to the Planning Division and obtain approval prior to issuance of a Certificate of Occupancy. Scrub oak habitat impacted by the Project (including 0.04 acres within the residential footprint, up to 0.68 acre within the area of fuel modification surrounding the residence, and up to 0.01 acre within the area of fuel modification surrounding the access driveway) shall be provided at a 1:1 ratio at an on-site or off-site location approved by the City as mitigation for scrub oak habitat that is removed or altered by the Project. Alternatively, the Project could contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund. The Project Fuel Modification Plan states that the required thinning and clearance for Zone C will be determined upon inspection. Therefore, the acreage of scrub oak removed for fuel modification purposes shall be determined for mitigation purposes by a qualified biologist or Certified arborist in consultation with LACFD. Wherever impacts to scrub oak habitat are not permanent, scrub oak habitat that has been removed or altered by construction activities shall be fully restored by planting replacement scrub oak and associated species within the disturbed areas.
33. All oak trees planted as part of the landscape buffers along the southeast and northeast perimeters of the home shall be treated as mitigation oaks and shall be monitored annually by a certified arborist for a minimum of five years. If an oak tree is determined to have died within that five years, the tree(s) shall be replaced in the same location.
34. No activity, such as equipment or building material storage, deposit of debris and trash, or vehicle or trailer parking shall be allowed within the protected zones of any oak tree at any time.
35. Any oak tree pruning approved by the Planning Division prior to commencement of work shall be executed only after notification of the oak tree consultant and the City.
36. Oak tree pruning deemed necessary by the applicant's arborist but not previously approved by the City shall not be performed until a written request for pruning has been submitted and approved by the City.
37. All oak tree pruning shall be performed to the standards set forth by the International Society of Arboriculture (ISA) and by an ISA certified arborist under the direct supervision of the applicant's oak tree consultant.

38. Unless otherwise approved by the Community Development Director, all work conducted within the protected zone shall be accomplished using hand tools only. Use of tractors and other vehicles is prohibited. Roots will be severed cleanly with a saw, avoiding torn, ragged, or shattered ends. The recommendations included in the "Work Procedures Program" in the oak Tree Report shall be implemented to avoid indiscriminant damage.

Community Development Department/Building and Safety

39. Swimming pool barriers shall be provided per 2013 California Building Code.

40. The project shall comply with all provisions of the 2013 California Building Code regarding exiting area.

41. The final approved septic system design shall be reviewed and approved by the Building and Safety Division of the Community Development Department and shall include measures to provide emergency electricity (solar battery storage or generators), back flow prevention to ensure that the septic system will be fully operational and safe from accidental wastewater release and shall be in conformance with Section 17.18.020.C.3.2 of the Calabasas Municipal Code. The final design shall comply with all current requirements of the Regional Water Quality Control Board (RWQCB).

Public Works Department/Engineering

STREET IMPROVEMENTS:

42. The applicant shall install a mailbox and posts per Postal Services requirements and standards. Secure approval of location from the U.S. Postal Service prior to installation.

43. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.

44. The horizontal and vertical alignment for the project's access driveway shall satisfy requirements of the County of Los Angeles Fire Department and the City Engineer.

GRADING AND GEOTECHNICAL:

45. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design of the proposed residential construction. The plans should include, but not be limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining

walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction and over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, and other drainage devices necessary for the interception, conveyance and disposal of on-site and offsite drainage consistent with the project drainage report. The plan shall include designs for wet utility services including sanitary sewers and water lines.

46. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvements including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of Los Angeles standards and to the satisfaction of the City of Calabasas Public Works Department standards and requirements.
47. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
48. The applicant agrees to address and mitigate any and all geotechnical design engineering and construction issues not contained within these conditions, but associated with the proposed development that may arise during final design and/or construction.
49. The applicant shall eliminate all geologic hazards associated with this proposed development as identified in the Final Geotechnical Report, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.
50. All retaining and privacy walls shall be in conformance with the City's wall requirements pursuant to CMC Section 17.20.100. Any variations require Planning Division approval. The wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading shall be so noted on the plans and must have the approval of the City Engineer.
51. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage devices.
52. Prior to Issuance of a Grading Permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Public Works Form K).

53. Prior to commencement of work under a grading permit, the contractor shall conduct a preconstruction meeting with the City. The contractor shall be responsible for setting the meeting time, date and location and notifying City staff at least one week in advance of the meeting.
54. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1), which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform to the approved Grading and Drainage Plans. If the field conditions deviate from the approved plans without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.
55. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission.
56. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto Public Streets shall be enforced. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites. Prior to start of hauling operations, the applicant shall obtain a Haul Route permit from the Public Works Department.
57. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report and Grading and Drainage Plans. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.
58. Rough Grade Report. At the completion of rough grading, the project Geotechnical Engineer shall submit a comprehensive rough grade report summarizing the required observations, verifications, related tests, and other pertinent documentation to the City Engineer for review and approval.

59. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) and Building Pad (Public Works Form Q) Certifications on the City's forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey where deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.
60. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department and the Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
61. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, reflecting the as-built field conditions, including any changes to the approved plan, to the satisfaction of the City Engineer. As-built plans shall be furnished prior to initiation of final inspection by the Public Works Department.
62. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P). The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

HYDROLOGY AND DRAINAGE

63. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q_{25}). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the Capital Flood storm recurrence interval (Q_{50BB}) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.

64. All drainage devices, pipes, and structures in the approved grading plan shall be the sole responsibility of the applicant to construct and applicant shall maintain those devices, pipes and structures located on their property. Adequate access shall be established and easements will be provided to the City. A maintenance covenant shall be recorded against the property to ensure that all drainage devices, pipes and structures not located in public right-of-way are properly maintained. Provisions will be provided and approved by the City of Calabasas Public Works Department that ensure that proper maintenance is provided, and provisions to reimburse the City for any remedial work that will, at the City's sole discretion, require the City to maintain the before-mentioned devices and structures should they not be properly maintained.
65. The applicant shall provide for the proper interception, conveyance and disposal of off-site drainage contributions from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
66. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal.

UTILITIES

67. The project shall construct water system with fire flow requirements to the satisfaction of Las Virgenes Municipal Water District (LVMWD) and the County of Los Angeles Fire Department. The applicant shall submit proof of design approvals to Public Works prior to the issuance of a Grading Permit.
68. Water service meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.

Public Works Department/Traffic & Transportation

69. The applicant and all subsequent property owners shall maintain slope easements at the intersection of the private driveway and Old Topanga Canyon Road to provide uninterrupted adequate sight distance.
70. The applicant shall pay to the City a Citywide Traffic Mitigation fee in the amount of \$1,230 for a single-family residence prior to issuance of a Building Permit.

Public Works Department/Environmental Services Division

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

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

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

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

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

73. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.

74. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." Crown Disposal Co, Inc. is the only service provider permitted to operate in Calabasas. Please contact (818-767-0675) for any roll-off or temporary container services. An Encroachment Permit is required prior to placing a refuse bin/container on the street.

75. Grading shall be prohibited from October 1st through April 15th, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.

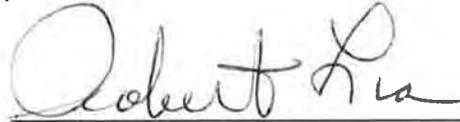
76. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

Los Angeles County Fire Department

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

Section 7. All documents described in Section 1 of PC Resolution No. 2015-576 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2015-576 PASSED, APPROVED AND ADOPTED this 30th day of April, 2015.



Robert Lia, Chairperson

ATTEST:



Maureen Tamuri, AIA, AICP
Community Development Director

APPROVED AS TO FORM:

Assistant 
City Attorney

Planning Commission Resolution No. 2015-576, was adopted by the Planning Commission at a regular meeting held April 30, 2015, and that it was adopted by the following vote:

AYES: Vice Chair Weintraub, Commissioners Sikand, Mueller & Shumacher

NOES: Chair Lia

ABSENT: None

ABSTAINED: None

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

ATTACHMENTS:

Attachment A- Mitigation Monitoring and Reporting Program

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation and Monitoring and Reporting Program
3121 Old Topanga Canyon Road Project

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
Biological Resources				
MM 4.2-1 - Prior to commencement of ground or vegetation disturbing activities at the Project site, a qualified biologist shall conduct two surveys for special-status wildlife species. The first survey shall be conducted no more than seven (7) days prior to commencement of Project activities and the second survey shall be conducted no more than three (3) days prior to the commencement of Project activities. The survey shall incorporate methods to detect the special-status wildlife species that could potentially occur at the site. To the extent feasible, special-status species shall be avoided. If avoidance is not feasible, the species shall be captured and transferred to an appropriate habitat and location where it would not be harmed by Project activities. The biologist shall hold the requisite permits for the capture and handling of the species. If a special-status wildlife species is found during the surveys, the biologist shall monitor all ground and vegetation disturbing activities at the Project site throughout site preparation activities. Prior to commencement of the proposed activity, the methods and results of the surveys and, if a special-status species is found, the measures to be employed to avoid impacts to the species shall be presented in a letter report to the Community Development Director and CDFW. Should a federally listed species be found, activities shall be postponed until the Applicant consults with the USFWS.	A. Conduct preconstruction surveys for special-status wildlife. B. Prepare letter report to Calabasas Community Development Department, CDFW, and USFWS, if applicable, on special-status species avoidance measures.	From 7 - 3 days prior to disturbance to nesting habitat. Prior to vegetation clearance	Applicant /biological consultant Applicant / biological consultant	Calabasas Community Development Department Calabasas Community Development Department California Department of Fish and Wildlife
MM 4.2-2 - Project activities, including but not limited to site preparation, construction, or fuel modification activities, with potential to disturb suitable bird-nesting habitat shall be prohibited within the breeding/nesting season for native bird species (February 1 through August 31). If the breeding/nesting season cannot be avoided, then no earlier than 7 days prior to Project activities with potential to disturb suitable bird nesting habitat that would occur during the	A. Conduct preconstruction nesting bird surveys	From 7 - 3 days prior to disturbance to nesting habitat if construction is scheduled to start February 1 through August 31.	Applicant / biological consultant	Calabasas Community Development Department California Department of Fish and Wildlife

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>nesting/breeding season (February 1 through August 31), a City-approved biologist shall perform two field surveys to determine if active nests of any bird species protected by the State or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code Sections 3503, 3503.5, or 3511 are present at the limits of disturbance or within 500 feet of the limits of disturbance. The second nesting bird survey shall be conducted within three days of the start of the Project activities. In the event that an active nest(s) is (are) found within the survey area, Project activities with potential to disturb suitable bird nesting habitat within the 500-foot radius shall stop until consultation with the City, CDFW, and USFWS (when applicable, i.e. if the nesting birds are listed under the federal Endangered Species Act), is conducted and an appropriate setback can be established. The buffer shall be demarcated and Project activities within the buffer shall be postponed or halted, at the discretion of a biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Prior to start of Project activities, the biologist shall submit a letter report discussing the nesting bird survey methods and results, as well as any measures to be implemented to avoid harm or disturbance to nesting birds to the Planning Director, CDFW, and USFWS, if applicable.</p>	<p>B. Delay project activities within 300 or 500 ft. of nests or nesting habitat until August 31 or until nests are vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting.</p>	<p>During construction (February 1 through August 31)</p>	<p>Applicant / biological consultant</p>	<p>Calabasas Community Development Department California Department of Fish and Wildlife</p>
<p>MM 4.2-3 – Only non-invasive ornamental plant species or appropriate native plant species shall be used for landscaping of the Project site. Excluded species shall include, but not be limited to, those listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or which are listed as “noxious weeds” by the State of California or the U.S. federal Government.</p> <p>The Applicant shall submit a Revised Landscaping Plan, which shall be reviewed by a City of Calabasas approved qualified biologist or restoration ecologist to exclude all potentially invasive ornamental species. Pride of Madeira</p>	<p>A. Submit a Revised Landscaping Plan</p>	<p>Prior to issuance of building permit</p>	<p>Applicant / Landscape Architect</p>	<p>Calabasas Community Development Department</p>
<p>The Applicant shall submit a Revised Landscaping Plan, which shall be reviewed by a City of Calabasas approved qualified biologist or restoration ecologist to exclude all potentially invasive ornamental species. Pride of Madeira</p>	<p>B. Conduct site inspections to ensure the appropriate plant materials have been planted and are maintained</p>	<p>Through the life of the Project.</p>	<p>Calabasas Community Development Department</p>	<p>Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>(Echium fastuosum), and fruiting varieties of Olea europaea (olive) shall be among those species excluded from use in landscaping. The City of Calabasas shall conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the life of the Project.</p> <p>MIM 4.2-4 – The 0.13 acre of California brittle bush shrubland that would be impacted by the Project shall be compensated for at a 2:1 ratio. To the extent possible, this shall be accomplished by the on-site restoration of disturbed habitats (e.g., non-native grassland) to California brittle bush shrubland. Onsite restoration should be implemented only where suitable conditions exist to support a viable California brittle bush plant community. Wherever impacts to California brittle bush shrubland are not permanent, California brittle bush shrubland that has been removed or disturbed by construction activities shall be fully restored by planting California brittle bush and associated species within the disturbed areas. If on-site restoration is not possible, compensation for the removal of California brittle bush shrubland may be accomplished by off-site restoration of in-kind habitat or by a contribution to an in-lieu fee program approved by the Planning Director and the CDFW</p> <p>In-lieu fees shall be used for the restoration of in-kind habitat.</p> <p>A restoration plan shall be developed by a qualified biologist, restoration ecologist or resource specialist, and approved by the Community Development Director and CDFW prior to issuance of the grading permit for the Project. In broad terms, the plan shall at a minimum include:</p> <ul style="list-style-type: none"> • Description of the project/impact and mitigation sites • Specific objectives • Success criteria • Plant palette • Implementation plan • Maintenance activities 	<p>On-site restoration of California brittle bush shrubland, or off-site restoration of in-kind habitat, or contribution to an in-lieu fee program approved by the Planning Director and the CDFW.</p>	<p>Prior to development. Monitoring and reporting to CDFW on annual basis for five years.</p>	<p>Applicant</p>	<p>Calabasas Community Development Department California Department of Fish and Wildlife</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> • Monitoring plan • Contingency measures <p>Success criteria shall, at a minimum, be evaluated based on appropriate survival rates and percent cover of planted native species, as well as control of invasive plant species within the restoration area.</p>				
<p>The restoration project shall be initiated prior to development of the Project and shall be implemented over a five-year period. The restoration project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the restoration plan, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the restoration project shall be submitted to the Community Development Director and the CDFW. Five years after Project start, a final report shall be submitted to the Planning Director and CDFW, which shall, at a minimum, discuss the implementation, monitoring and management of the restoration project over the five-year period, and indicate whether the restoration project has, in part, or in whole, been successful based on established success criteria. The project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the Planning Director and the CDFW.</p>	<p>A. Obtain an oak tree permit</p> <p>B. Monitor encroachments of oak trees</p> <p>C. On-site restoration of</p>	<p>Prior to issuance of building permit</p> <p>During encroachments, and survey annually for five years</p> <p>Prior to development.</p>	<p>Applicant</p> <p>Applicant / arborist</p> <p>Applicant</p>	<p>Calabasas Community Development Department</p> <p>Calabasas Community Development Department</p> <p>Calabasas</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> The Applicant shall demarcate the limits of disturbance within or adjacent to scrub oak habitat with sturdy exclusionary fencing to prevent encroachment of Project activities into scrub oak habitat. The fencing shall be marked with highly visible flagging and signed as a sensitive area. The City's oak tree consultant shall verify the fencing has been correctly installed prior to grading. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction. Following construction, a certified Arborist shall conduct annual monitoring for a minimum of five years as warranted by site conditions, to ensure continued health of the scrub oak habitat that has been altered or temporarily disturbed. 	<p>scrub oak habitat, or off-site restoration of in-kind habitat, or contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.</p>	<p>Monitoring and reporting to CDFW on annual basis for five years.</p>		<p>Community Development Department California Department of Fish and Wildlife</p>
<p>Scrub oak habitat impacted by the Project, including 0.04 acre within the residential footprint (including the building, retaining walls, and paved decks), 0.96 acres within the area of fuel modification surrounding the residence, and 0.01 acre within the area of fuel modification surrounding the access driveway shall be provided at a 1:1 ratio at an onsite or offsite location approved by the City as mitigation for scrub oak habitat that is removed or altered by the Project.</p>				
<p>Wherever impacts to scrub oak habitat are not permanent, scrub oak habitat that has been removed or altered by construction activities shall be fully restored by planting replacement scrub oak and associated species within the disturbed areas.</p>				
<p>Alternatively, the Project could contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.</p>				
<p>MM 4.2-6 – The Applicant shall comply with the conditions required by the Oak Tree Permit to be obtained from the City</p>	<p>A. Obtain an oak tree permit</p>	<p>Prior to issuance of</p>	<p>Applicant</p>	<p>Calabasas Community</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>prior to encroachment into oak tree protection zones for construction and fuel modification activities including grading and excavation. All construction work activities that would encroach into oak tree protection zones shall minimize impacts by implementing the following requirements:</p> <ul style="list-style-type: none"> • All grading, excavation work or fuel modification conducted within the protection zone of native oak trees or adjacent to scrub oak habitat shall be performed in the presence of a Certified Arborist, and shall be verified by the City's oak tree consultant. • Trees that are to be and fuel modification preserved on the site during construction shall be fenced at the location of their protected zones or at the limit of grading with a temporary chain link fence prior to commencement of grading unless they are considered inaccessible to construction activity. Fencing may be placed at the limit of grading or excavation in order to allow approved work to be done inside the protected zones. The City's oak tree consultant shall verify the fencing has been correctly installed prior to grading. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction. • Unless otherwise approved by the Planning Director, all work conducted within the protected zone shall be accomplished using hand tools only. Use of tractors and other cleanly with a saw, avoiding torn, ragged, or shattered ends. • Following construction, a certified Arborist shall conduct annual monitoring for a minimum of five years as warranted by site conditions, or as directed by the Project's Oak Tree Permit, to ensure continued health of the oak trees encroached on by Project activities. 	<p>B. Monitor encroachments of oak trees</p>	<p>building permit During encroachments, and survey annually for five years</p>	<p>Applicant / arborist</p>	<p>Development Department Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> If an encroached oak tree is determined to have died, either during construction or within the post-construction monitoring period, the Applicant shall offset the loss as required by the City's Oak Tree Ordinance, by either replacement at a 1:1 ratio of trunk diameter at an onsite or offsite location approved by the City, or by contribution of the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund. 				
Cultural Resources				
<p>MM IS V.b. - A qualified archaeologist shall monitor construction until recent historic fill or modern natural sterile layers are again encountered. In the event that cultural resources are exposed during Project-related activities, construction activities shall be halted immediately. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (National Park Service 1983) shall be retained to evaluate the finds' significance under CEQA.</p>	<p>A qualified archaeological monitor will observe soil layers disturbed by construction activities at least three times per week to ensure that native soils are not being encountered. If intact native soil is exposed, as determined by the archaeological monitor, full time archaeological monitoring should take place until such soil is no longer being encountered.</p>	<p>During site grading and trenching</p>	<p>Applicant / Archaeologist</p>	<p>Calabasas Community Development Department</p>
<p>MM IS V.c. - A qualified paleontologist shall monitor trenching in Old Topanga Road, along the concrete driveway, and any excavation on the Project site until recent historic fill or modern natural sterile layers are encountered. In the event that paleontological resources are exposed during Project-related activities, construction activities shall be halted immediately and a paleontologist shall evaluate the finds' significance under CEQA.</p>	<p>A paleontological monitor will observe grading or trenching activity that occurs within bedrock material.</p>	<p>During site grading and trenching</p>	<p>Applicant / Paleontologist</p>	<p>Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>MM IS V.d. - If human remains are uncovered, the County Coroner must be notified and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) must be notified and permitted to identify the Most Likely Descendant (MLD). The treatment of the remains and associated funerary items will be coordinated between the MLD and the landowner or the landowner's authorized representative per the requirements of Public Resources Code Section 5097.98, and archaeological consultant. All non-funerary materials recovered from this property must be curated in a federally recognized repository.</p> <p>Recreation</p> <p>MM 4.3-1 The Applicant must record an irrevocable easement for public trail purposes in the alignment illustrated in Figure 4.3-4 (or reasonable variations to be agreed upon by the Applicant and the City), in a form acceptable to the City Attorney. The easement must be recorded prior to the issuance of any building permit for Project development. All parties (i.e., the City, the Applicant (grantor) and the trail grantee) must agree to the easement deed restriction language. The trail grantee may be the City or another public or non-profit entity acceptable to the City.</p> <p>The imposition of mitigation measure MM 4.3-1 is conditioned on acceptance of the easement and assumption of all of the liability and responsibility for the use and maintenance of the easement (without condition or recourse to the Applicant or any subsequent homeowner) by the City or other public or nonprofit entity known by and acceptable to the City. In the absence of a grantee willing to accept the easement, the Applicant shall record an offer to dedicate an easement to the City, or another public or non-profit entity acceptable to the City. The approximate easement location is illustrated in Figure 4.3-4 of the DEIR. The offered easement shall be for the purpose of allowing recreational trail use and maintenance activities described in the Calabasas Trails Master Plan (2007) to provide <u>legal, public</u> trail access across</p>	<p>Regulatory notification protocols must be followed if human remains are discovered, beginning with notification of the County Coroner.</p>	<p>During construction ground disturbance activities</p>	<p>Applicant / Contractor</p>	<p>Calabasas Community Development Department</p>
<p>The imposition of mitigation measure MM 4.3-1 is conditioned on acceptance of the easement and assumption of all of the liability and responsibility for the use and maintenance of the easement (without condition or recourse to the Applicant or any subsequent homeowner) by the City or other public or nonprofit entity known by and acceptable to the City. In the absence of a grantee willing to accept the easement, the Applicant shall record an offer to dedicate an easement to the City, or another public or non-profit entity acceptable to the City. The approximate easement location is illustrated in Figure 4.3-4 of the DEIR. The offered easement shall be for the purpose of allowing recreational trail use and maintenance activities described in the Calabasas Trails Master Plan (2007) to provide <u>legal, public</u> trail access across</p>	<p>Record an easement or an offer for an easement, for public trail purposes in the alignment illustrated in Figure 4.3-4.</p>	<p>Prior to issuance of building permit</p>	<p>Applicant and City or another entity acceptable to the City</p>	<p>Calabasas Community Development Department</p>

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required	Timing	Responsible Agency or Party	Monitoring Agency or Party
<p>that portion of the property. The offer to record an easement shall include:</p> <ul style="list-style-type: none"> • A legal description and depiction of the easement alignment and width; • The responsibilities and rights of the Grantor; • The responsibilities and rights of the Grantee; and • Prohibited use or activities within the easement by the Grantor or the Grantee. 				



CITY of CALABASAS

To: File Date: March 30, 2015
From: Robert Yalda, Public Works Director/City Engineer
Subject: Determination of Legal Grading at 3121 Old Topanga Canyon Road, Lot 1 of Parcel Map 11026

Based on our review of all County of Los Angeles' files associated with Parcel Map 11026 and the corresponding grading and site work, we have determined that the work performed on the four parcels associated with Parcel Map 11026, including grading of the pad on Lot 1, was done legally, with all applicable permits having been obtained from the County of Los Angeles. The following grading approvals (from the County's Building & Safety Division) and geotechnical approvals (from the County's Land Development Division) are attached to this memorandum as references:

1. Final As-built Engineering Geologic and Final Compaction Report (April 5, 1990)
2. County of Los Angeles Public Works Department Geotechnical Engineering Review Sheet - Approval of the April 5, 1990 Final As-built Report
3. County of Los Angeles Public Works Department Geologic Review Sheet - Approval of rough grading from a geologic standpoint per the April 5, 1990 Final As-built Report
4. The approved grading plan, stamped by the County's Land Development Division on August 8, 1989;
5. The County's Engineered Grading Consultant Statement with the Field Engineer's signature for rough grading;
6. The County of Los Angeles' Grading Permit, signed off by the County's inspector;
7. The County of Los Angeles' Building & Safety Division's "Completion Notice & Bond Release" form.


Robert Yalda, Public Works Director/City Engineer

Memorandum

GEOTECHNICAL CONSULTANTS

April 5, 1990
GS89-C189

U.S. Associates
1175 S. Crenshaw Blvd.
Los Angeles, CA

Attn: Jack Taren

RECEIVED

APR 13 1990

PROCESSING CENTER
LAND DEV. DIV.

Subject: Final As-Built Engineering Geologic and Final Compaction Report for Proposed Residential Development Parcel Map No. 11026, Old Topanga Road, Calabasas Area, Los Angeles County, CA

- Reference:**
- 1) Notice of Change of Consultants for Grading Work at Parcel Map No. 11026, Old Topanga Canyon Road, Los Angeles, CA;
 - 2) Supplemental Engineering Geologic Report, Parcel Map No. 11026, Updated Grading Plan, Calabasas Area, Los Angeles County, CA; Harley Tucker Inc., Project No. 4422-1.88 dated August 9, 1988
 - 3) Report for Soils Engineering Investigation Proposed Residential Development Parcel Map No. 11026, Old Topanga Canyon Road Calabasas Area, Los Angeles County, CA; SWN Soiltech Consultants, Inc., Project Reference 2617-88 dated August 18, 1988
 - 4) Supplement Engineering Geologic Report, Parcel Map No. 11026, Calabasas Area, Los Angeles County, CA; Harley Tucker Inc., Project No. 4422-2.88 dated March 14, 1989
 - 5) Review of Grading Plan, Proposed Residential Development Parcel Map No. 11026 Old Topanga Canyon Road Calabasas Area, Los Angeles County, CA; SWN Soiltech Consultants, Inc., Project Reference 2617-88 dated March 14, 1989

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INTRODUCTION

This final report presents the as-built geologic conditions and results of our compaction testing conducted at the subject site. As-Built geologic conditions shown on Plate 1 are as observed during grading. A record of the compaction tests are presented in Table I with test locations and the approximate limits of compacted fill shown on the attached As-Built Grading Plan, Plate 2.

The purpose of grading was to construct 3 level building pads, using standard cut and fill techniques, for the support of the proposed single-family residences. The grading work was completed in accordance with our recommendations and the current Los Angeles County Grading Ordinance.

GRADING PROCEDURES

Granular earth materials approved by the soils engineer were used for grading and were generated from on-site cuts.

Cut slopes were graded at 1.5:1 2:1 and 3:1 ratios to a maximum height of 40 feet. These cut slopes exposed sandstones, siltstones and intrusive basalts as anticipated. Compacted fill slopes were graded at 2:1 gradients to maximum height of 47 feet.

On-site soils generated from cut slopes, were used for the compacted fill to reach the proposed final grade of the building pads. Keyways were excavated along the toe of all fill slopes by

removing loose soils and extending a minimum of 24 inches into competent bedrock on the downslope side of the keyway. No water seepage was encountered.

All compacted fill placed on slopes exceeding a 5:1 gradient was benched into competent bedrock as the grading proposed upslope. Vertical benches exposed approximately 2 feet of bedrock on the upslope side.

Compaction testing was performed in accordance with the in-place sand cone density test standard ASTM D1556-82. Compacted fill was placed in 6-8 inch lifts using conventional earth moving equipment. All compacted fill was tested every two feet in elevation or more frequently, as determined necessary by the soils engineer. Water was applied by using a water truck to achieve optimum moisture of the fill material.

All areas which did not meet the minimum 90 percent compaction requirement were removed and recompacted until the minimum compaction requirement was achieved as required by code.

As-Built Geologic Conditions

Cuts created during gradient were excavated at 1.5:1, 2:1 and 3:1 ratios and predominantly expose sandstones and siltstones as anticipated. Basalt is exposed in a few cuts on Parcel 1. During grading the induration of the sandstone was observed to vary. Highly indurated sandstone was encountered as the 2:1 cut slope on Parcel 4 was excavated. Normal earth moving equipment could not reduce one area of the cut slope to the anticipated grade. Therefore, a protrusion 7 feet high and roughly 12 foot

square remains in this cut slope. This material is considered stable due to it's hard, competent and well indurated nature.

Bedding throughout the site is generally dipping to the north and favorably oriented with respect to site stability. The base of the keyways and the benches also exposed favorable geologic structure and competent bedrock as anticipated.

Based on our in-grading observations, the geologic conditions are essentially as anticipated in the referenced report. All cut slopes are considered to be grossly stable. No adverse geological conditions were observed.

Foundations

Conventional continuous footings are adequate for foundation support and should be supported entirely on bedrock for Parcel 1 and entirely on compacted fill for Parcels 2 and 3. Continuous footings may be designed using a bearing pressure of 1500 psf and should extend a minimum of 18 inches into the bearing material.

Independent footings may be designed using a bearing pressure of 200 psf. The dimensions of independent footings should be a minimum of 2 feet square and founded at least 2 feet into the bearing materials.

Footings should be located below a line measured at a 45 degree angle from the bottom of any utility trench, unless reviewed and approved by the soils engineer.

EXPANSIVE SOIL

Based on the soil classification along with in-situ moisture content and in-situ density, the on-site surficial soils are considered to be low in expansion potential. No special treatment of the soils is required.

VERIFICATION OF CONDITIONS

Conditions encountered during the grading operations were essentially as anticipated in the original investigation. Based on our observations, the grading procedures were conducted in substantial compliance with recommendations of our investigatory report.

APPROVAL

Based on bottom excavation and results of compaction tests, all compacted backfill is approved as structurally suitable for foundation support from a soil engineering standpoint.

The rough grading is approved from a geologic and soils engineering standpoint.

Please call our office should you have any questions regarding this report.

CALIFORNIA GEO/SYSTEMS, INC.,

Steve S. Tsai
Steve S. Tsai
RCE 44986, Exp. 3-

SST:RMR/nkz



Richard M. Ramirez
Richard M. Ramirez, President
CEG 490, Exp. 6-30-90



TABLE I
SUMMARY OF FIELD DETERMINATION
TEST STANDARD ASTM D1556-82

<u>Test No.</u>	<u>Date</u>	<u>Location</u>	<u>Test Elevation (feet)</u>	<u>Type</u>	<u>Dry Density (pcf)</u>	<u>Moisture (percent)</u>	<u>Relative Density (percent)</u>
1	11-29-89	As Shown	1440	II	98.7	16.0	91
2	11-29-89	As Shown	1448	II	100.1	17.5	93
3	11-29-89	As Shown	1438	II	97.6	17.9	90
4	11-29-89	As Shown	1446	I	93.9	13.2	92
5	11-29-89	As Shown	1450	I	92.3	15.3	90
6	11-30-89	As Shown	1452	III	122.7	16.0	99
7	11-30-89	As Shown	1454	I	92.5	14.0	90
8	12-1-89	As Shown	1442	II	98.5	14.2	91
9	12-1-89	As Shown	1460	I	92.0	12.0	90
10	12-1-89	As Shown	1456	III	115.5	15.3	94
11	12-4-89	As Shown	1434	II	102.9	11.4	95
12	12-4-89	As Shown	1436	II	99.7	16.2	92
13	12-4-89	As Shown	1459	III	113.3	13.0	92
14	12-4-89	As Shown	1460	III	115.6	11.0	93
15	12-5-89	As Shown	1438	III	111.1	10.5	90
16	12-5-89	As Shown	1440	III	112.1	10.7	91
17	12-5-89	As Shown	1440	III	100.4	14.8	90
18	12-5-89	As Shown	1462	IV	100.5	14.6	91
19	12-6-89	As Shown	1444	III	110.7	4.0	90
20	12-6-89	As Shown	1458	III	110.8	4.8	90
21	12-8-89	As Shown	1443	IV	110.1	16.8	99
22	12-8-89	As Shown	1445	IV	109.7	16.2	99
23	12-8-89	As Shown	1461	II	97.0	14.0	90
24	12-8-89	As Shown	1446	II	97.6	14.2	90
25	12-12-89	As Shown	1464	III	110.9	6.5	90
26	12-12-89	As Shown	1448	III	113.2	9.0	92
27	12-12-89	As Shown	1450	II	103.1	15.5	95
28	12-12-89	As Shown	1452	III	111.3	7.3	90
29	12-13-89	As Shown	1448	III	119.5	11.0	97
30	12-13-89	As Shown	1450	III	120.1	10.2	98
31	12-13-89	As Shown	1452	II	98.9	15.3	92
32	12-14-89	As Shown	1455	III	112.2	11.0	91
33	12-18-89	As Shown	1458	III	113.9	9.8	93
34	12-18-89	As Shown	1460	II	103.4	15.9	96
35	12-18-89	As Shown	1462	III	112.0	11.8	91
36	12-19-89	As Shown	1463	V	109.1	11.5	95
37	12-19-89	As Shown	1466	IV	100.3	14.2	90
38	12-20-89	As Shown	1468	II	101.4	15.2	94
39	12-20-89	As Shown	1468	I	92.8	16.8	91

TABLE I

SUMMARY OF FIELD DETERMINATION
TEST STANDARD ASTM D1556-82

<u>Test No.</u>	<u>Date</u>	<u>Location</u>	<u>Test Elevation (feet)</u>	<u>Type</u>	<u>Dry Density (pcf)</u>	<u>Moisture (percent)</u>	<u>Relative Density (percent)</u>
40	12-21-89	As Shown	1472	II	103.6	16.4	96
41	12-21-89	As Shown	1470	II	105.0	17.6	97
42	12-22-89	As Shown	1466	IV	108.5	17.5	98
43	12-22-89	As Shown	1468	III	111.5	10.2	91
44	12-22-89	As Shown	1470	III	114.3	12.3	93
45	12-26-89	As Shown	1472	I	91.9	15.2	90
46	12-26-89	As Shown	1474	II	98.6	17.8	91
47	1-3-90	As Shown	1476	III	120.8	9.7	98
48	1-3-90	As Shown	1478	III	110.9	10.0	90
49	1-3-90	As Shown	1480	IV	102.7	12.1	93
50	1-3-90	As Shown	1482	IV	100.4	12.8	90
51	1-3-90	As Shown	1484	V	103.3	14.2	90
52	1-4-90	As Shown	1486	II	99.4	14.9	92
53	1-4-90	As Shown	1488	II	97.1	13.3	90
54	1-4-90	As Shown	1490	II	97.9	15.2	91
55	1-4-90	As Shown	1492	III	116.4	10.8	95
56	1-4-90	As Shown	1494	V	107.8	12.0	94
57	1-5-90	As Shown	1496	III	122.7	13.3	99
58	1-5-90	As Shown	1498	V	104.3	12.7	91
59	1-6-90	As Shown	1500	II	101.3	15.0	94
60	1-6-90	As Shown	1502	V	104.8	13.6	91
61	1-8-90	As Shown	1498	II	106.8	15.3	99
62	1-8-90	As Shown	1504	III	120.9	11.2	98
63	1-8-90	As Shown	1506	II	100.1	17.6	93
64	1-9-90	As Shown	1500	II	98.5	15.3	91
65	1-9-90	As Shown	1508	III	114.5	9.7	93
66	1-10-90	As Shown	1501	I	91.8	11.7	90
67	1-10-90	As Shown	1499	II	101.0	14.9	94
68	1-10-90	As Shown	1474	II	103.6	15.3	96
69	1-11-90	As Shown	1450	II	100.8	15.8	93
70	1-12-90	As Shown	1452	II	99.6	15.2	92
71	1-12-90	As Shown	1455	II	97.4	14.1	90
72	1-12-90	As Shown	1460	II	98.5	15.5	91
73	1-12-90	As Shown	1458	II	102.7	15.7	95
74	1-12-90	As Shown	1460	II	99.2	12.3	92
75	1-23-90	As Shown	1502	III	117.8	8.0	96
76	1-23-90	As Shown	1504	I	93.1	16.7	91
77	1-23-90	As Shown	1506	III	115.5	8.4	94
78	1-25-90	As Shown	1508	III	115.7	9.8	94
79	1-25-90	As Shown	1510	V	103.6	10.9	90

TABLE I

SUMMARY OF FIELD DETERMINATION
TEST STANDARD ASTM D1556-82

Test No.	Date	Location	Test Elevation (feet)	Type	Dry Density (pcf)	Moisture (percent)	Relative Density (percent)
80	1-25-90	As Shown	1508	III	110.8	10.1	90
81	1-25-90	As Shown	1510	III	112.3	10.5	91
82	1-26-90	As Shown	1502	IV	101.1	13.4	91
83	1-29-90	As Shown	1505	III	121.1	10.6	98
84	1-29-90	As Shown	1507	III	110.7	9.0	90
85	1-29-90	As Shown	1510	II	100.3	15.6	93
86	1-30-90	As Shown	1512	V	105.2	13.6	91
87	1-30-90	As Shown	1514	V	98.4	15.5	91
88	2-1-90	As Shown	1585	IV	102.3	18.0	92
89	2-1-90	As Shown	1476	IV	100.2	20.0	90
90	2-1-90	As Shown	1474	V	103.7	15.8	90
91	2-6-90	As Shown	1516	V	104.0	14.5	90
92	2-6-90	As Shown	1518	V	106.9	15.0	92
93	2-6-90	As Shown	1520	V	108.4	18.0	94
94	2-7-90	As Shown	1522	III	114.6	9.7	93
95	2-7-90	As Shown	1475	V	106.1	12.7	92
96	2-7-90	As Shown	1477	V	109.5	13.0	95
97	2-13-90	As Shown	1465	III	115.6	10.3	94
98	2-13-90	As Shown	1455	III	116.1	9.8	94
99	2-13-90	As Shown	1460	II	98.4	15.7	91
100	2-13-90	As Shown	1453	III	113.5	8.9	92
101	2-14-90	As Shown	1504	II	97.2	14.0	90
102	2-14-90	As Shown	1514	V	103.8	15.0	90
103	2-14-90	As Shown	1504	V	103.7	14.3	90
104	2-14-90	As Shown	1515	II	99.5	13.5	92
105	2-14-90	As Shown	1505	II	98.5	14.6	91
106	2-16-90	As Shown	1513	II	100.4	13.9	93
107	2-16-90	As Shown	1508	II	99.3	14.3	92
108	2-16-90	As Shown	1500	II	97.3	14.7	90
109	2-16-90	As Shown	1507	II	98.2	14.5	91
110	2-20-90	As Shown	1408	II	99.3	14.9	92
111	2-20-90	As Shown	1457	II	100.3	20.0	93
112	2-20-90	As Shown	1460	II	106.5	20.0	93
113	2-22-90	As Shown	1470	II	97.7	15.0	90
114	2-22-90	As Shown	1465	II	98.9	16.8	92
115	2-22-90	As Shown	1473	III	112.5	9.6	91
116	2-22-90	As Shown	1462	III	110.8	9.6	90
117	2-22-90	As Shown	1468	III	114.8	9.8	93
118	2-22-90	As Shown	1475	II	98.6	12.5	91
119	2-22-90	As Shown	1478	III	121.7	8.7	99

TABLE I

SUMMARY OF FIELD DETERMINATION
TEST STANDARD ASTM D1556-82

Test No.	Date	Location	Test Elevation (feet)	Type	Dry Density (pcf)	Moisture (percent)	Relative Density (percent)
120	3-2-90	As Shown	1480	III	120.9	8.5	98
121	3-2-90	As Shown	1468	III	121.0	8.9	98
122	3-5-90	As Shown	1478	II	97.5	14.7	90
123	3-5-90	As Shown	1485	II	97.3	15.3	90
124	3-8-90	As Shown	1490	II	86.7	12.3	80 (F)
125	3-9-90	As Shown	1490	II	97.5	13.8	90 (R)
126	3-9-90	As Shown	1468	II	98.3	14.2	91
127	3-15-90	As Shown	1453	II	100.5	13.8	93
128	3-15-90	As Shown	1458	II	98.8	13.7	91

TABLE II

LABORATORY DENSITY DETERMINATION
(ASTM D1557-78)

Soil Type	Maximum Dry Density (pcf)	Optimum Moisture Content (percent)
I (sandy, clayey silt)	102.0	18.5
II (sandy silt)	108.0	17.3
III (silty sand)	123.0	10.0
IV (gravelly clay)	111.0	17.5
V (sandy silt and gravel)	115.0	14.8

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY DIVISION

ENGINEERED GRADING
CONSULTANT STATEMENT

Job Address or Tract No. 3111 OLD TOPANKA CYN. RD.
PARCEL MAP NO. 11026 Locality CALABASAS Permit No. _____
Owner U.S. ASSOCIATES Contractor DOUG ROSEBET



ROUGH GRADING



BY FIELD ENGINEER

Based upon observations, rough grading of the lots listed below has been completed in conformance with plans therefor marked "APPROVED" by the County, and Building Code Chapter 70. The Work includes but is not limited to the following: grading to approximate final elevations; staking of property lines; location and gradient of cut and fill slopes; location, cross-sectional configuration and flow-line gradient of drainage swales and terraces (graded ready for paving); berms installed where indicated; and required drainage slopes provided on building pads.

LOT NOS. _____

As-built plans have been prepared
Latest Plan revision date _____

Remarks: _____

Engineer _____ (Signature) Reg. No. _____ Date _____



BY SOIL ENGINEER

Based upon tests and observations, the earth fills placed on the following lots were installed upon properly prepared base material and compacted in compliance with requirements of Building Code Section 7016. Fill slope surfaces have been compacted and buttress fills or similar stabilization measures have been installed in accordance with my recommendations as approved by the Building Official. ~~Sub-drains have been provided where required and locations of said sub-drains are shown on plans dated _____~~

LOT NOS. _____

See report dated 4-5-90 6584-C189 for compaction test data and procedure, recommended allowable soil bearing values and other special recommendations.

EXPANSIVE SOILS ~~NOT~~ (NO) LOT NOS. _____

BUTTRESS FILLS ~~NOT~~ (NO) LOT NOS. _____

Remarks: _____

Engineer Stu (Signature) Reg. No. 44986 Date 4-5-90



EOTECHNICAL ENGINEERING REVIEW SHEET

Attachment 2

Address: 900 So. Fremont Ave. COUNTY OF LOS ANGELES
Alhambra, CA 91803 DEPARTMENT OF PUBLIC WORKS
Telephone: (818) 458-4925 Land Development Division

D
Sheet 1 of 1

Parcel Map 11026
Location Old Topanga Road, Calabasas
Developer/Owner Jack Tarren
Engineer VPL Engineering, Inc.
Geotechnical Engineer CA Geo/Systems, Inc.
Geologist Same as above

DISTRIBUTION:
 Grading and Drainage Sect.
 Geo/Soils Central File
 District Engineer
 Geologist
 Geotechnical Engineer
 Engineer

Final Grading Report

Review of:

Geotechnical Report dated 4/5/90

Geologic Report dated 4/5/90

Action:

Report is approved from a Geotechnical Engineering Standpoint.

Prepared by Maged El-Rabaa

Reviewed by Fred F. Gharib Date 5/4/90

Maged El-Rabaa

Fred F. Gharib

S:11026

Post-it [®] Fax Note	7671	Date	6/11/03	# of pages	1
To	SURO				
Co./Dept					
Phone #					
Fax #					
From					
Co.					
Phone #					
Fax #					

GEOLOGIC REVIEW SHEET
L. A. COUNTY DEPARTMENT OF PUBLIC WORKS
900 SO. FREMONT AVE., ALHAMBRA, CA 91803
LAND DEVELOPMENT DIVISION, GEOLOGY AND SOILS SECTION
DEVELOPMENT REVIEW UNIT (818) 458-4923

Sheet 1 of 1

F. 10 No.

Tract/PM 11026 Lot(s) 1-4
Parent Tract _____ Location Topanga
Site Address 3111 Old Topanga Cym Rd.
Geologist Calif. Geol Systems Developer J. Tarren
Geotechnical Engineer Calif Geol Systems Engineer/Arch. _____

DISTRIBUTION

- 2 Dist. Engineer
- + Geologist
- + Geotech. Engineer
- 1 Geo/Soils File
- 1 Civil Engineer

Review of: **ROUGH GRADING FINAL REPORTS**

____ Geologic Report(s) Dated (FINAL) _____
____ Geotechnical Engineering Report(s) Dated (FINAL) _____
X Geology and Geotechnical Engineering Report(s) Dated (FINAL) 4/5/96 E-597-159

References: Grading P.C. No. 7607 Building P.C. No. _____ For: Residences

On the basis of information in the above referenced report(s) rough grading is approved from the standpoint of geology only, for issuance of building permits, provided the consultant's recommendations are followed, **FOR:**

Lots 1 & 3, P.M. 11026

DISTRICT ENGINEER PLEASE NOTE:

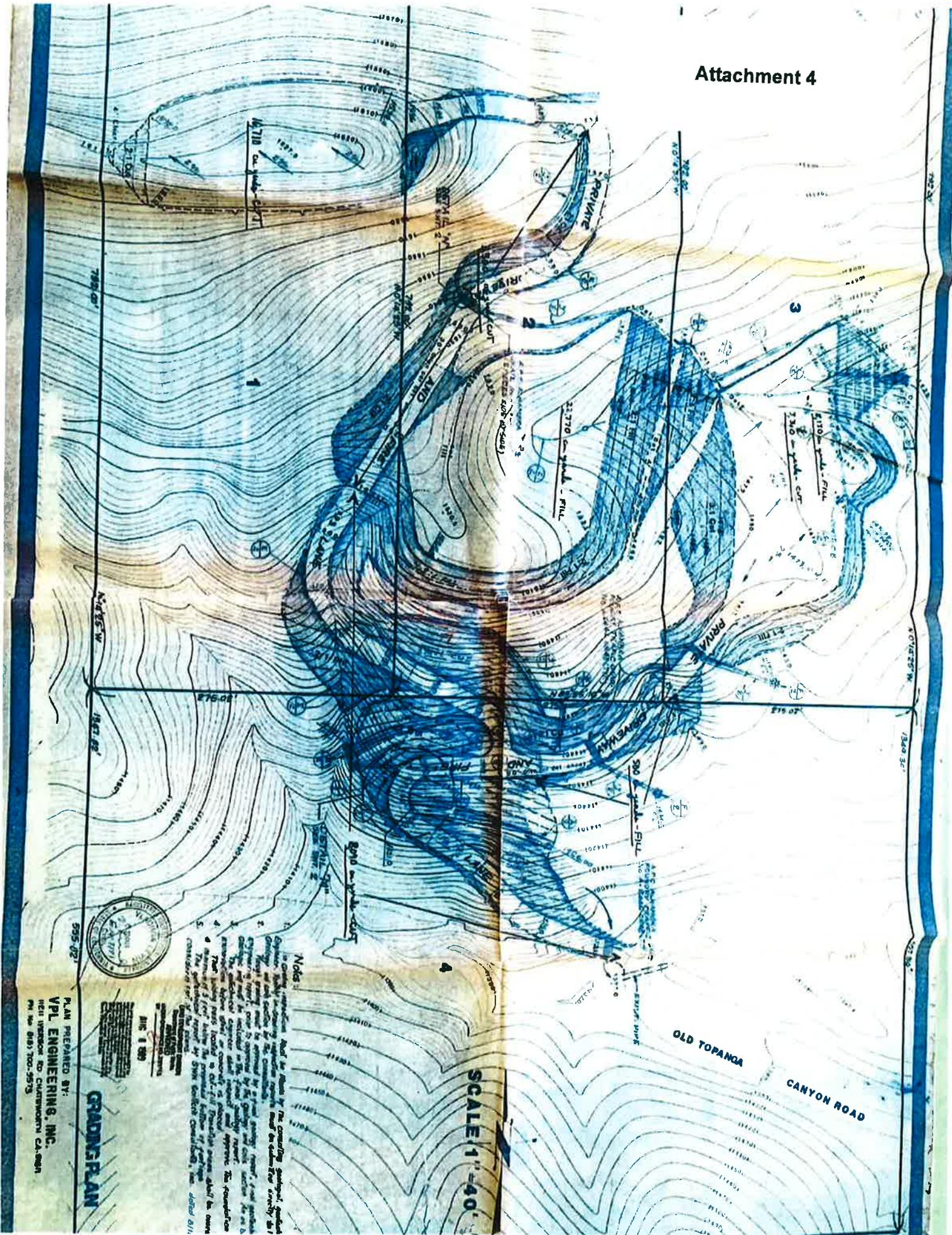
The above referenced report(s) contain recommendations which should be enforced.

Do not submit building plans to the Geology and Soils Section for building on the pads created by the above referenced grading (No review required).

COMMENTS: Lot 2 needs to be evaluated for rockfall from natural, ascending slopes.

Any excavation for private sewage disposal needs to be inspected and approved by the consultant geotechnical engineer and by the consultant engineering geologist.

Prepared by E. Adalberto Reviewed by _____ Date 5/9/96



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY DIVISION

ENGINEERED GRADING
CONSULTANT STATEMENT

3111 Old Topanga
Job Address or Tract No. P.M. 11026 Locality Calabasas Permit No. _____
Owner JACK TAREN Contractor _____

ROUGH GRADING

BY FIELD ENGINEER

Based upon observations, rough grading of the lots listed below has been completed in conformance with plans therefor marked "APPROVED" by the County, and Building Code Chapter 70. The work includes but is not limited to the following: grading to approximate final elevations; staking of property lines; location and gradient of cut and fill slopes; location, cross-sectional configuration and flow-line gradient of drainage swales and terraces (graded ready for paving); berms installed where indicated; and required drainage slopes provided on building pads.

LOT NOS. 1, 2 and 3

As-built plans have been prepared
Latest Plan revision date _____

Remarks: _____

Engineer [Signature] Reg. No. 35001 Date 5/30/90
(Signature)

BY SOIL ENGINEER

Based upon tests and observations, the earth fills placed on the following lots were installed upon properly prepared base material and compacted in compliance with requirements of Building Code Section 7016. Fill slope surfaces have been compacted and buttress fills or similar stabilization measures have been installed in accordance with my recommendations as approved by the Building Official. Sub-drains have been provided where required and locations of said sub-drains are shown on plans dated _____

LOT NOS. _____

See report dated _____ for compaction test data and procedure, recommended allowable soil bearing values and other special recommendations.

EXPANSIVE SOILS (YES) (NO) LOT NOS. _____

BUTTRESS FILLS (YES) (NO) LOT NOS. _____

Remarks: _____

Engineer _____ Reg. No. _____ Date _____
(Signature)

APPLICATION FOR GRADING PERMIT
COUNTY OF LOS ANGELES
BUILDING AND SAFETY

WORKERS' COMPENSATION DECLARATION
I hereby affirm that I have a certificate of consent to self insure, certificate of Workers' Compensation Insurance, or a copy thereof (Sec. 3800, Lab. C.)
Y No. 102430 Company Willowbrook
Certified copy is hereby furnished
Certified copy is filed with the county building inspection department.

Applicant _____
CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE
section need not be completed if the work involved by permit is for one hundred dollars (\$100) or less.
If that is the performance of the work for which this permit is issued, I shall not employ any person in any manner so to become subject to the Workers' Compensation Law.

Applicant James D. Foster
I, CE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

LICENSED CONTRACTORS' DECLARATION
I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code; and my license is in full force and effect.
License Number 514545 Lic Class C-12

Contractor James D. Foster Date Oct 10
 I am exempt from the licensing requirements as I am a licensed architect or a registered professional engineer acting in my professional capacity (Section 7051, Business and Professions Code).

Lic. or Reg. No. 514545 Date Oct 10
HOME OWNER-BUILDER DECLARATION
I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code):
 I, as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Section 7044, Business and Professions Code)

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code)
CONSTRUCTION LENDING (AGENCY)
I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.)

Lender's Name _____
Lender's Address _____
I certify that I have read this application and state that the above information is correct. I agree to comply with all County ordinances and State laws relating to building construction, and hereby authorize representatives of this County to enter upon the above-mentioned property for inspection purposes.

Signature of Permittee James D. Foster Date Oct 10, 89

3111 FOR APPLICANT TO FILL IN		SITE ADDRESS 3111 Seal Sanger Canyon Rd	
ADDRESS: <u>Old Topanga Sign Rd + Hollister Hwy.</u>	LOT NUMBERS: <u># 1-4</u>	NEAREST CROSS STREET: <u>Old Topanga Canyon Road</u>	DISTRICT NO: <u>91</u>
TRACT NUMBER: <u>PH # 11026</u>	OWNER: <u>JACK TAYLOR & HANSHIRE TAYLOR TRUST</u>	MAP NO: <u>156-C-93</u>	STATE HWY: YES <input type="checkbox"/> NO <input type="checkbox"/>
MAIL ADDRESS: <u>P.O. Box 546 Agoura 91027</u>	ENGINEER: <u>R.C. Palisades, A. #14 Engineering</u>	USE ZONE: <u>35, 0 20</u>	SPECIAL CONDITIONS:
CITY: <u>Agoura Hills</u>	STATE NO: <u>35001</u>	REG. NO: <u>35001</u>	PROCESSED BY:
MAIL ADDRESS: <u>11211 Swenson Rd, Chatsworth</u>	REG. NO: <u>35001</u>	REG. NO: <u>35001</u>	REG. NO: <u>35001</u>
CITY: <u>Chatsworth</u>	REG. NO: <u>35001</u>	REG. NO: <u>35001</u>	REG. NO: <u>35001</u>
GRADING CONTRACTOR: <u>James D. Foster</u>	TEL: <u>818 700 9573</u>	TEL: <u>818 700 9573</u>	TEL: <u>818 700 9573</u>
ADDRESS: <u>14307 Sanger St. Mission Hills 91345</u>	TEL: <u>818 700 9573</u>	TEL: <u>818 700 9573</u>	TEL: <u>818 700 9573</u>
PROPOSED USE OF GRADED SITE(S) <u>3 single family houses</u>			
CHECK IF SUPERVISED GRADING <input type="checkbox"/>			
SIGNATURE OF APPLICANT: <u>James D. Foster</u>			
ADDRESS: _____			
SURETY'S BOND: <u>66,200</u> BOND NO: <u>7224800</u>			
SURETY COMPANY: <u>AMERICAN MOTORISTS INS</u>			
DATE FILED: <u>10-5-89</u> REC'D BY: <u>J. Malone</u>			
CASH DEPOSIT \$ _____			
THIS IS A LIMITED TIME PERMIT			
ALL WORK AUTHORIZED MUST BE COMPLETED BY _____			
TIME LIMIT:			
EXTENDED TO: _____ BY: _____			
EXTENDED TO: _____ BY: _____			
P.C. Fee \$ <u>1,625</u>		Permit Fee <u>1778</u>	
LIME <u>120</u>		Issuance Fee <u>197</u>	
LIME <u>1745</u>		Total Fee <u>1841.75</u>	

Old Plan Check No # 7607/8/17/11226
SEE REVERSE FOR EXPLANATORY LANGUAGE
Plans checked by William Asson

VALIDATION
4
*124175
*124175 5
*25-7965
10-10-89
#18
01
*162500
*162500 5
*18-0376
05-16-89

INSPECTOR COPY

JUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY DIVISION

COMPLETION NOTICE AND BOND RELEASE

This is to advise that each and all of the terms and conditions of Permit No. 7965
issued to JACK TAREN & MARJORIE TAREN TRUST for the

Relocation of a Building to
 Grading on property described as PARCEL 11026, LOTS 1-4

have been complied with to the satisfaction of the Building and Safety Division in accordance with Ordinance 2225 (Building Code).

Therefore, The Principal and Surety of the Bond Posted in connection with the above permit in the amount of \$ 66,200 are hereby released and the Bond terminated this date, MARCH 21, 1991

DISTRICT STAMP
BUILDING AND SAFETY DIVISION
4111 ~~5651~~ North Las Virgenes Road
Calebasas, California 91302
Telephone: 880-4150

Building and Safety Division

Bond No. 35M 72Y 498 00

By Irene Malone

Item 11

Attachment E

Final EIR (Including DEIR)

Available at the following link:

<http://www.cityofcalabasas.com/pdf/notices/3121-Old-Topanga-FEIR-DEIR.pdf>

Jim Jordan

From: 068, Station <Station.068@fire.lacounty.gov>
Sent: Tuesday, March 31, 2015 5:37 PM
To: Jim Jordan
Subject: 3121 Old Topanga Canyon Road

Engine 68 drove the access driveway at this address today and the slope is ok for a fire engine.

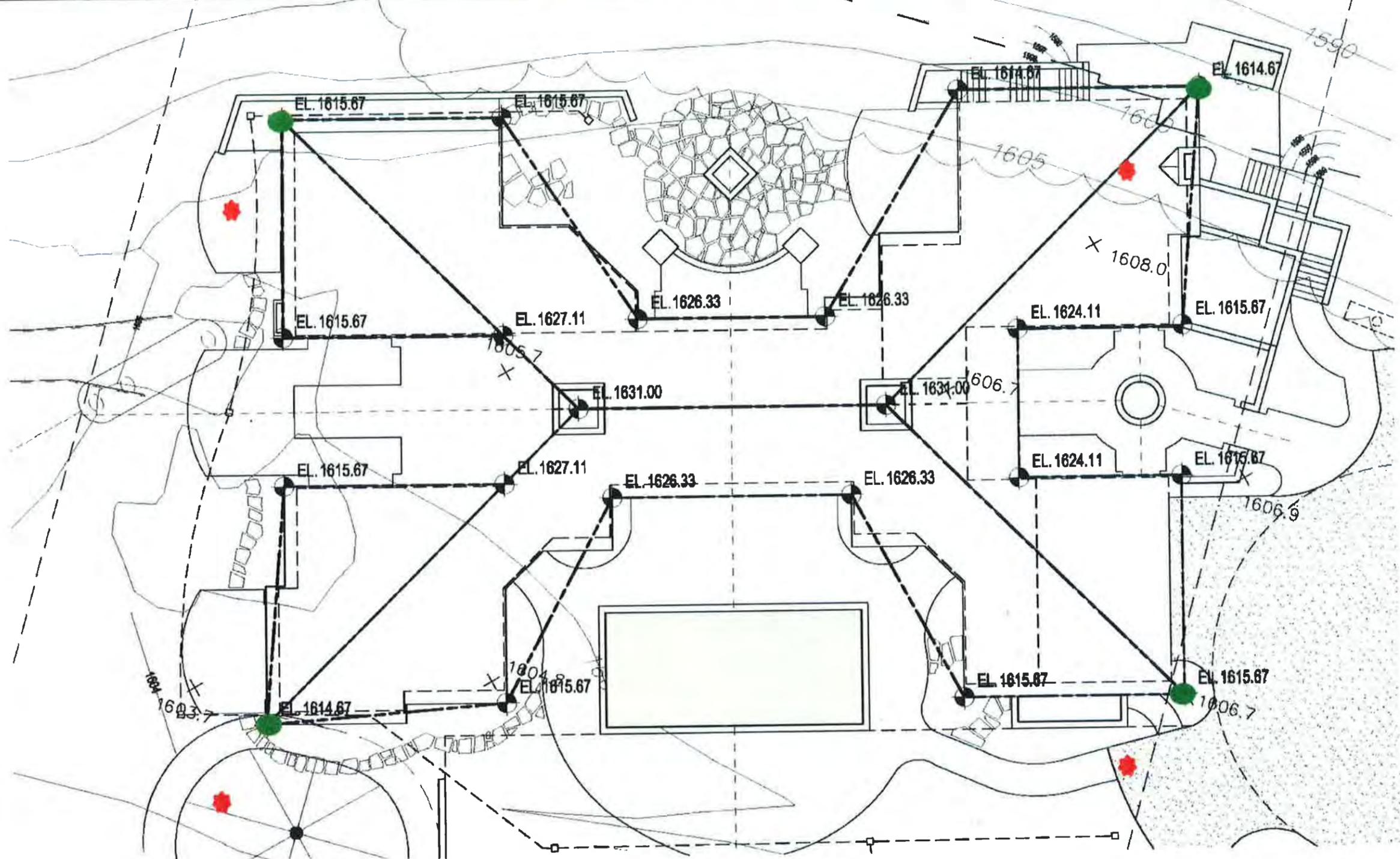
CA Srott
FS 68C
(818)222-1107







- Actual (correct) survey locations for four corners of proposed SFR
- ★ Incorrect story pole placement, approximately 15-feet southwest of actual locations



HAYNE ARCHITECT
 POST OFFICE BOX 803 39
 MALIBU, CA 90265
 PH: 310.456.0050

**BROADWAY TRUST
 RESIDENCE**
 3121 OLD TOPANGA CANYON ROAD
 TOPANGA, CA 90290

STORY POLE PLAN
 DATE: 08/18/2014
 SCALE: AS NOTED
 DRAWN BY: HLJ
 FILE:



STORY POLE PLAN SCALE 1/8"=1'-0" 1

A-1.1_S

STORY POLE PHOTOS



Photo Taken Facing West on Graded Pad



Photo Taken Facing East on Graded Pad



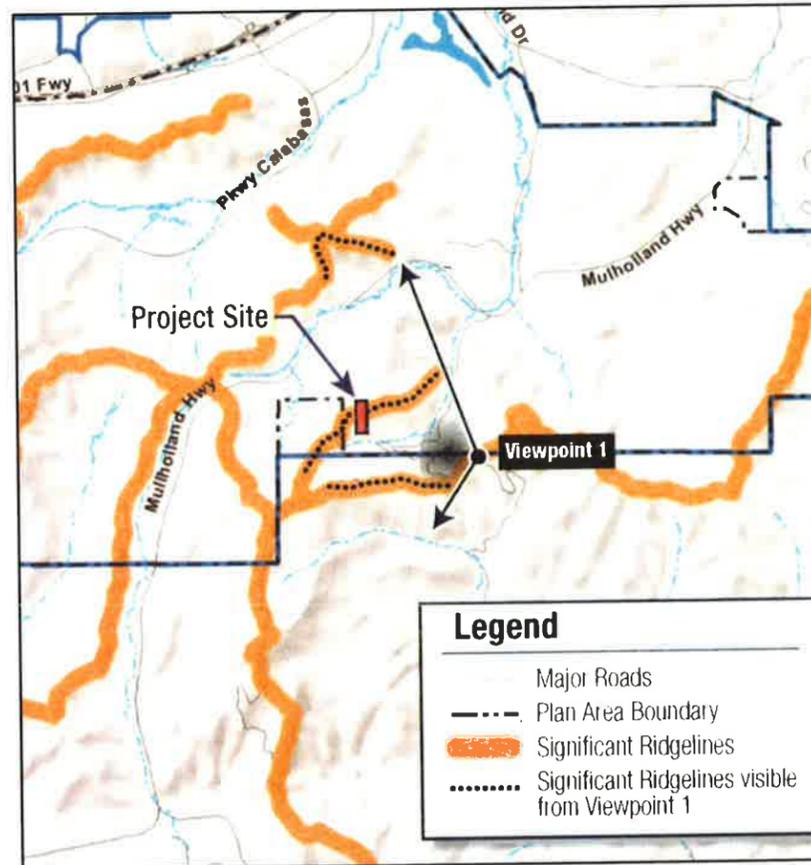
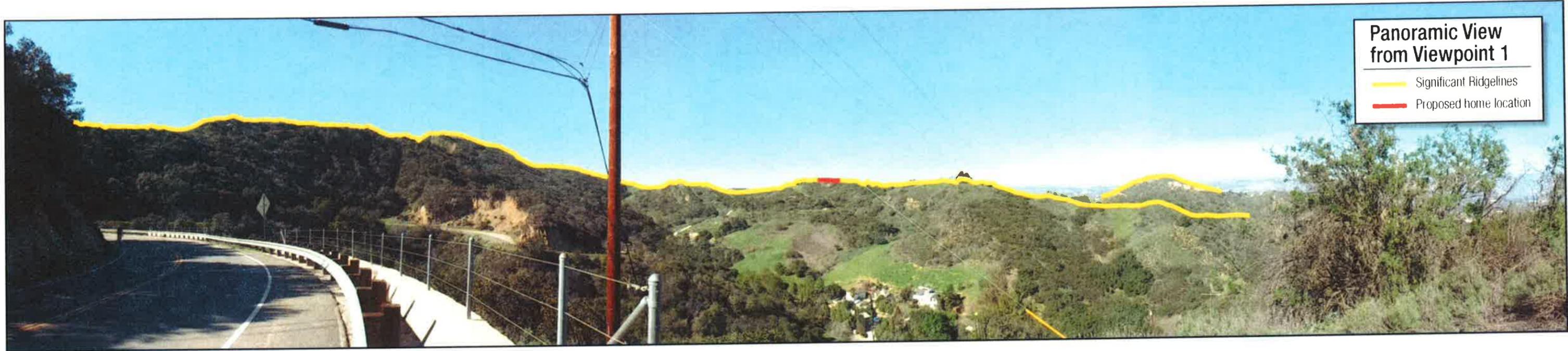
View of Story Poles from Old Topanga Canyon Road Near Summit to Summit



Zoomed-in View of Story Poles from Old Topanga Canyon Road Near Summit to Summit

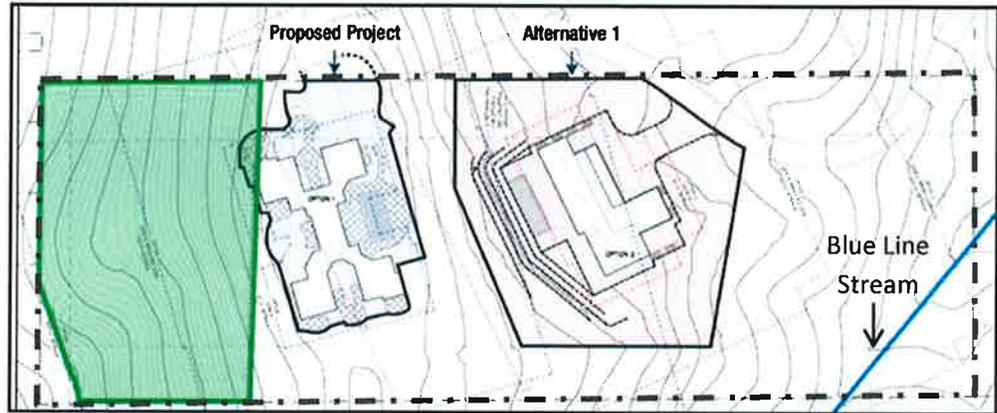


View of Story Poles from Old Topanga Canyon Road (further west/closer to site)



Fuel Modification Comparison Proposed Project vs. Alternative #1

The green shaded area represents the area currently subject to fuel modification for Calabasas Highlands homes that would overlap with the proposed project's fuel modification zone.

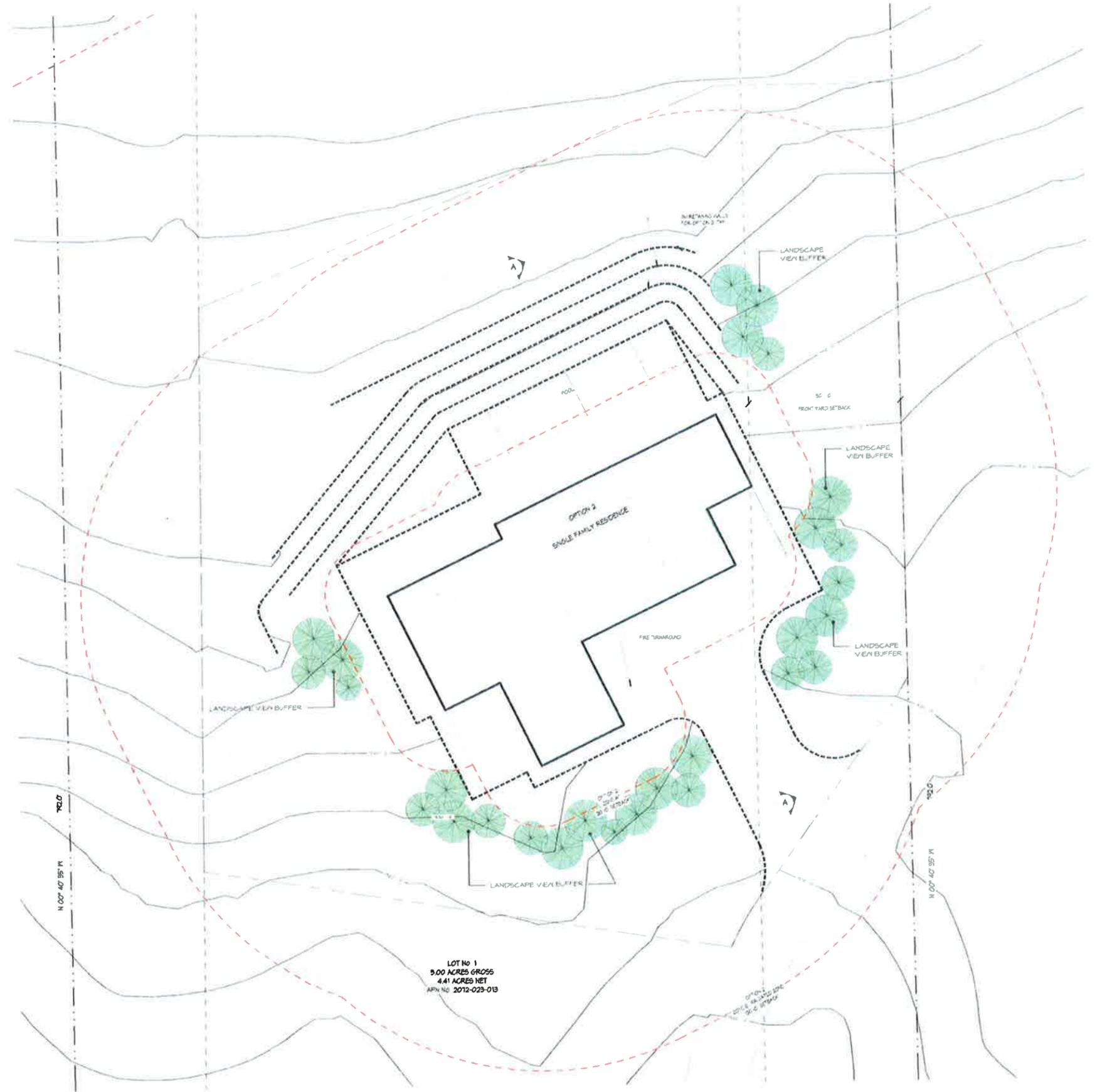


The blue shaded area represents the areas that would be subject to fuel modification for the proposed project that are not currently subject to fuel modification.



The red shaded area represents the areas that would be subject to fuel modification for Alternative #1 that are not currently subject to fuel modification.



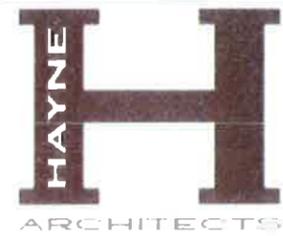
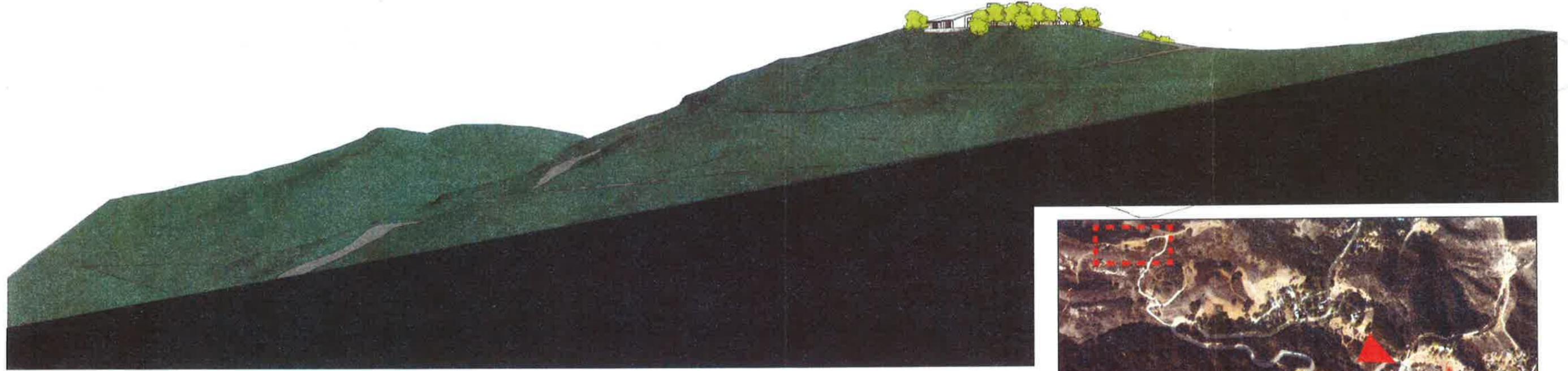


ALTERNATE 1 SITE PLAN - LANDSCAPE VIEW BUFFERS

NOTES:

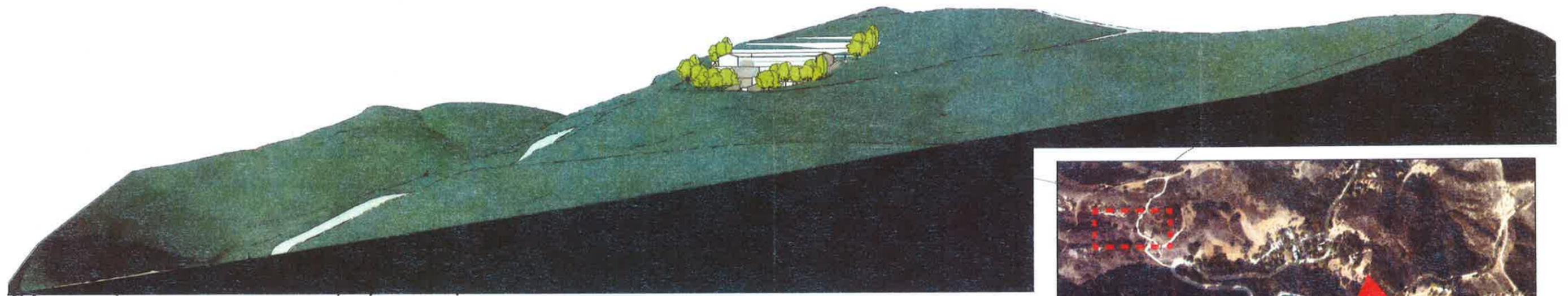
1. LANDSCAPE VIEW BUFFER TO INCLUDE THE FOLLOWING TREE SPECIMENS:

- LAURUS NOBILIS, 36" BOX
- QUERCUS AGRIFOLIA, 48" BOX
- JACARANDA MIMIFOLIA, 36" BOX
- ARBUTUS MARINA, MULTI, 36" BOX
- RHAPHIOLEPIS "MAGESTIC BEAUTY", MULTI, 36" BOX
- OLEA EUROPAEA, 48" BOX

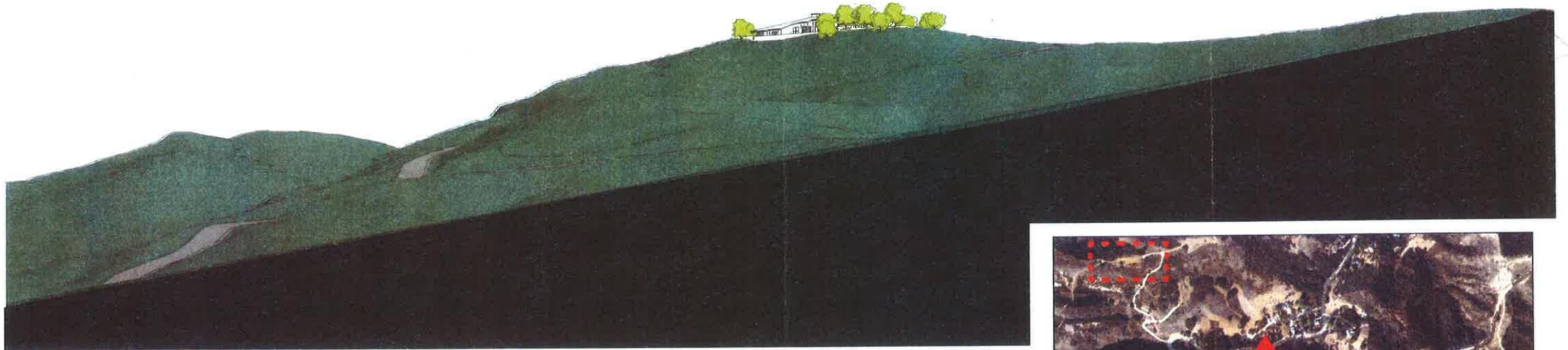


3121 OLD TOPANGA CANYON ROAD

DIAGRAMMATIC MASSING: SCENIC CORRIDOR VIEWPOINT 1

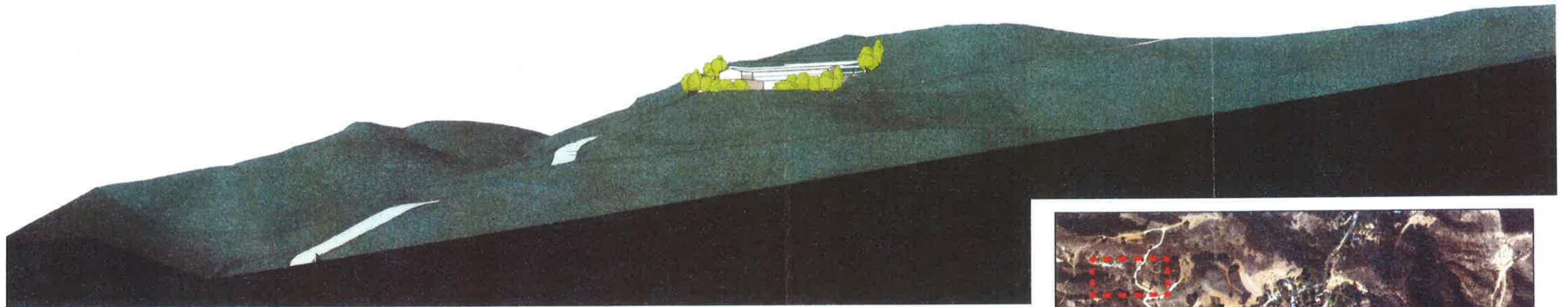


3121 OLD TOPANGA CANYON ROAD
ALTERNATIVE SITE
DIAGRAMMATIC MASSING: SCENIC CORRIDOR VIEWPOINT 1

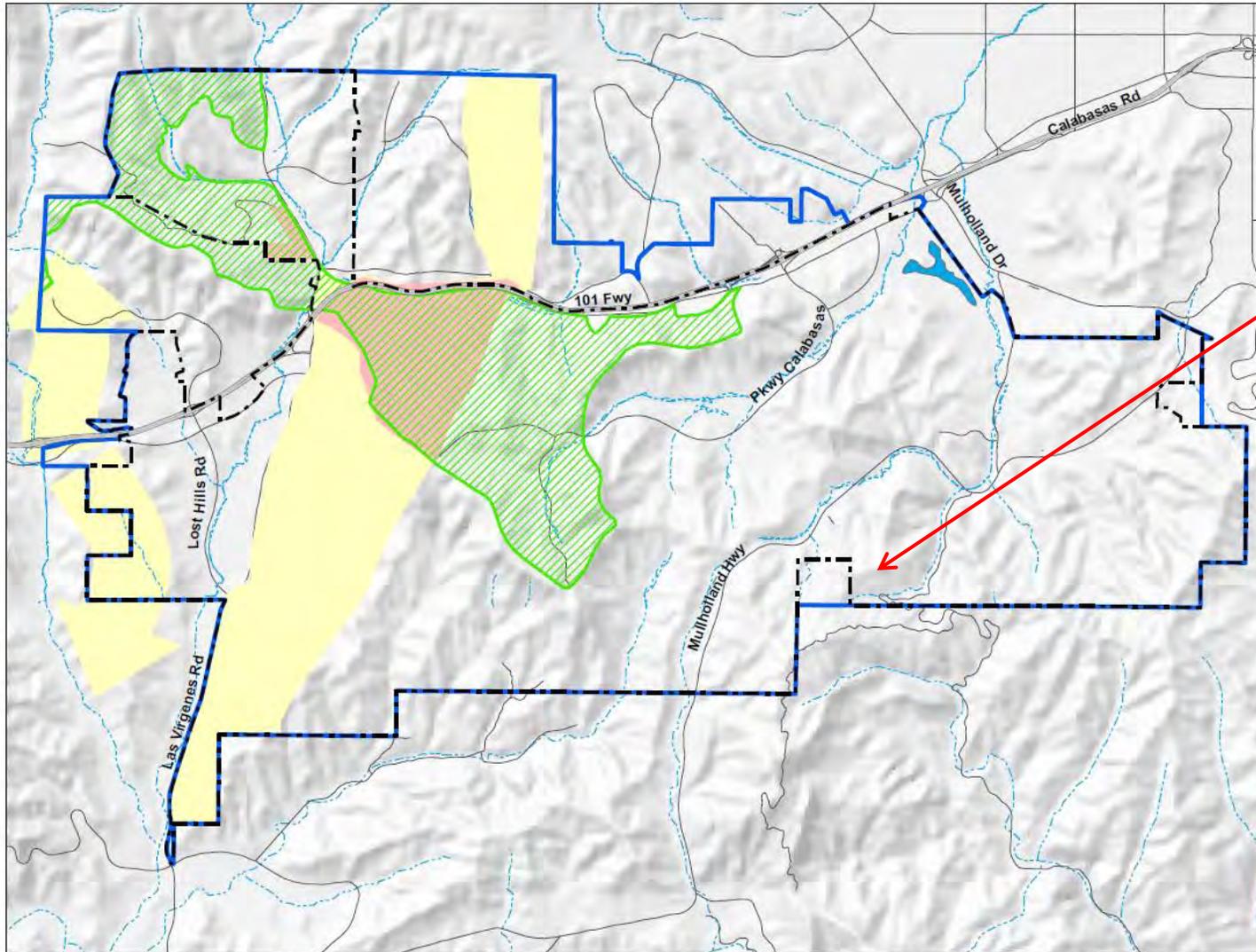


3121 OLD TOPANGA CANYON ROAD

DIAGRAMMATIC MASSING: SCENIC CORRIDOR VIEWPOINT 2



3121 OLD TOPANGA CANYON ROAD
ALTERNATIVE SITE
DIAGRAMMATIC MASSING: SCENIC CORRIDOR VIEWPOINT 2



Location of Subject Property

LEGEND

- Calabasas City Boundary
- Plan Area Boundary
- Major Roads
- LA County Significant Ecological Areas
- Wildlife Linkages and Corridors
- Ecological Areas and Corridors

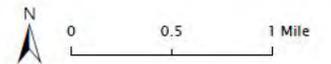


Figure IV-1
Significant Ecological Areas,
Linkages, and Corridors

Basemap imagery provided by USGS, 2002. Additional data layers from City of Calabasas, 2007, Los Angeles County Department of Public Works, 2013, and Rincon Consultants, 2009. Updated March 2014.



CITY of CALABASAS

Community
Planning Division
100 Civic Center Drive
Calabasas, CA 91302
(818) 224-1600
Fax: (818) 225-7329

www.cityofcalabasas.com

Appeal Application

GENERAL INFORMATION (print or type)

Appellant: The Calabasas Highlands & Old Topanga HOAs

Address: _____

City: Calabasas State: CA Zip Code: 91302

Phone: _____ Fax: _____

Cell / Other Phone: _____ E-mail: _____

Appellant's Representative: Linda Thompson

Address: 3544 Mesquite Drive

City: Calabasas State: CA Zip Code: 91302

Phone: 818 591-7591 Fax: _____

Cell / Other Phone: 818 692-6187 E-mail: thompsonfam4@charter.net

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

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

Administrative/ Staff (includes Director's Hearings)

Planning Commission

Date of Decision: 4/30/15

Project File No.: 130000718

ACTION / DECISION

Identify the specific action or decision which is being appealed: _____

The appellants respectfully submit this appeal to the Calabasas City Council of the decision in this Project (Case) by the Planning Commission ("PC") to grant the Variance (to build on a significant ridgeline), approve the Site Plan Review, approve a Scenic Corridor Permit, and certify the adequacy of the Final Environmental Impact Report (FEIR). Resolution #2015-576.

TO BE COMPLETED BY PLANNING DIVISION STAFF

Application Processing

File No(s): _____

Submittal Date: _____

Staff Initials: _____

Fees: _____

Receipt No: _____

RECEIVED

MAY 08 2015

COMMUNITY DEVELOPMENT
PLANNING DEPT

APPEAL STATEMENT

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

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

The specific grounds for the appeal and the relief requested by the appellant is as follows:

(be specific, attach additional sheets if necessary)

Please see attached

APPELLANT CERTIFICATION

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

Signature:

Linda Thompson

Date:

5/8/15

Name (print or type):

LINDA THOMPSON

Phone:

818 692-6187

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

RECEIVED

MAY 08 2015

COMMUNITY DEVELOPMENT
PLANNING DEPT

APPEAL STATEMENT

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

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

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

The pertinent facts include, but are not limited to: 1) a Variance is not legally justified and was granted without having evidence to support all of the required findings, 2) an FEIR was certified for adequacy even though it was inadequate based on missing and incorrect information, and incomplete analysis and disclosure of impacts and alternatives, and 3) other entitlement permits including a Site Plan Review and Scenic Corridor Permit were approved, in part, based on a reliance on the improper granting of the Variance.

The basis for the appeal: the appellants believe the PC made numerous errors of fact and law that were used to justify the variance findings, and overlooked evidence provided to demonstrate that the EIR is inadequate. The variance considered findings which did not have sufficient evidence to support them. This is especially true for the two required findings for the variance for the significant ridgeline. Section 17.20.150.C.3 of the City’s Municipal Code provides for a variance from the siting standard which states that the following findings must be made before a variance from the ridgeline siting requirements can be granted:

“That alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used, and that the siting principals outlined in subsection (C)(4) have been applied; and; the proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project, including minimized grading, reduced structural height, clustered structure, shape, materials, and color that allow the structure(s) to blend with the natural setting, and the use of native landscape for concealment of the project.”

These findings for the variance from the ridgeline siting requirements have not been made. Alternative 1 in EIR was incorrectly eliminated, in part because it does not cause “substantial damage,” and is the preferred alternative to the project, and the project does not maintain the maximum view of the applicable significant ridgeline.

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In addition, the following issues, among others, were brought up at the Planning Commission hearings on the project, which speak to the variance issue above, and other variance findings, and the inadequacy of the EIR, and which were not adequately addressed by the Planning Commission:

- The impacts of Alt 1 as being temporary.
- The variances which would be required for Alt 1 being less onerous than those required for the project.
- The issue of affordability for Alternative 1. With restoration of the ridgeline from the dirt excavated from Alt 1, the cost of Alt 1 decreases dramatically.
- Lighting issues.
- The steepness of the driveway, including the applicant's engineer's acknowledgement that they plan to re-grade later.
- The visual impacts on the public viewshed to all parties.
- Relocating the trail and giving a permanent easement for it, not one that can be revoked or not enforced.
- Proper and complete grading permits for the existing pad.
- Wildlife issues.
- Did not consider impacts to parkland.
- The applicant purchased the property after the ridgeline ordinance was enacted.
- The size of the house is inconsistent with the surrounding communities.
- The City has not addressed the cumulative impacts of the other parcels, including placing the proposed project and Alt 1 in context of where other homes will be placed on those parcels.
- The City staff's advocacy on behalf of the applicant instead of an objective presentation to the Planning Commission.

Since the SPR and SCP were, in part, based on the granting of a variance, they both should be considered null and void and reconsidered with the correct evidence that would deny the variance.

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CITY of CALABASAS

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

www.cityofcalabasas.com

Minimum Application Filing Requirements Checklist

MINIMUM APPLICATION FILING REQUIREMENTS

This checklist will be used by staff to determine if an application is complete for processing purposes. If any items are not included the project will not be accepted for submittal.

Appeals:

The minimum requirements for filing an appeal application are listed below. An application that does not include the following plans and information will not be accepted for processing:

- Completed Appeal Application and filing fees.
- Public hearing information prepared in accordance with the Public Notice Requirements as follows:
 - Property Ownership List: A mailing list containing the names, addresses, and assessor's parcel number of all owners of real property within a radius of five hundred feet (500') of the site, measured from the exterior boundaries of the property. This information shall be obtained from the latest equalized assessment rolls of Los Angeles County (property ownership information may be obtained from Los Angeles County Assessor's Office 14340 Sylvan Street, Van Nuys, CA 91401, phone: (818) 901-3455). Include the name and address of the property owner, applicant, and representative of the mailing list.
 - Mailing Envelopes: One set of stamped (\$0.48 postage) business-size envelopes, with the name and address of each person on the mailing list. The return address shall read: "City of Calabasas, Planning Division, 100 Civic Center Way, Calabasas, CA 91302".
 - Radius Map: A map illustrating the five hundred foot (500') radius boundary and all parcels within the boundary (copies of the assessor's maps will be accepted).

Note: For a list of individuals/ companies that prepare the radius map and property ownership lists, contact the City of Calabasas Planning Division.

- As an option to completing the public hearing information required for this application, the applicant may pay a fee to have the City of Calabasas provide the public hearing information required. The Fee for this service is as follows:

\$157.24 plus \$0.58 per each property within 500 feet.

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SITE PHOTOS



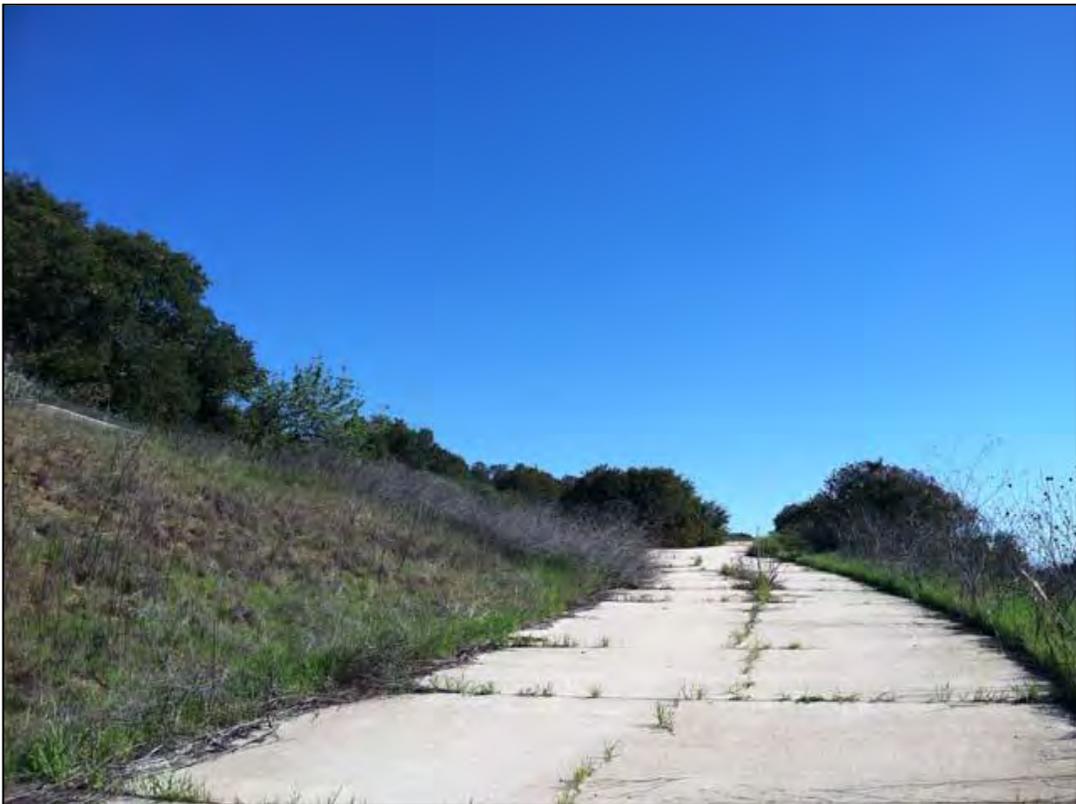
Graded Pad – Photo Taken Facing East



Graded Pad – Photo Taken Facing West



View of Access Driveway From Old Topanga Canyon Road



View of Existing Concrete Driveway Leading Up to Site



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Administrative Services					
91350	5/20/2015	CYBERCOPY	COPY/PRINTING SERVICE	80.91	Administrative Services
Total Amount for 1 Line Item(s) from Administrative Services				\$80.91	
City Attorney					
91348	5/20/2015	COLANTUONO, HIGHSMITH &	GENERAL SERVICES	19,020.10	City Attorney
91348	5/20/2015	COLANTUONO, HIGHSMITH &	DRY CANYON LLC	125.00	City Attorney
91348	5/20/2015	COLANTUONO, HIGHSMITH &	ASSESSMENTS & PROP 218	50.00	City Attorney
Total Amount for 3 Line Item(s) from City Attorney				\$19,195.10	
City Council					
91405	5/27/2015	BOZAJIAN/JAMES R.//	REIMB TRAVEL-CCCA CONFERENCE	1,324.52	City Council
91379	5/20/2015	SORIANO/BRIAN//	SCHOLARSHIP AWARD	250.00	City Council
91343	5/20/2015	ARMEN/TALEEN//	SCHOLARSHIP AWARD	250.00	City Council
91406	5/27/2015	CALABASAS CHAMBER OF COMMERCE	MAYORAL LUNCHEON	245.00	City Council
91406	5/27/2015	CALABASAS CHAMBER OF COMMERCE	MAYORAL LUNCHEON	140.00	City Council
91406	5/27/2015	CALABASAS CHAMBER OF COMMERCE	MAYORAL LUNCHEON	35.00	City Council
91406	5/27/2015	CALABASAS CHAMBER OF COMMERCE	MAYORAL LUNCHEON	35.00	City Council
91406	5/27/2015	CALABASAS CHAMBER OF COMMERCE	MAYORAL LUNCHEON	35.00	City Council
91345	5/20/2015	CALABASAS CHAMBER OF COMMERCE	CHAMBER BREAKFAST	20.00	City Council
Total Amount for 9 Line Item(s) from City Council				\$2,334.52	
City Management					
91416	5/27/2015	COROALLES/ANTHONY//	REIMB-FUEL FOR VEHICLE	41.00	City Management
91406	5/27/2015	CALABASAS CHAMBER OF COMMERCE	MAYORAL LUNCHEON	35.00	City Management
Total Amount for 2 Line Item(s) from City Management				\$76.00	
Civic Center O&M					
91375	5/20/2015	PRIDE INDUSTRIES	CUSTODIAL SERVICES	1,969.30	Civic Center O&M
91375	5/20/2015	PRIDE INDUSTRIES	CUSTODIAL SERVICES	1,950.86	Civic Center O&M
91390	5/20/2015	VORTEX INDUSTRIES INC	DOOR REPAIRS - CIVIC CENTER	1,757.00	Civic Center O&M
91390	5/20/2015	VORTEX INDUSTRIES INC	DOOR REPAIRS - CIVIC CENTER	1,757.00	Civic Center O&M



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91391	5/20/2015	WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES	670.58	Civic Center O&M
91391	5/20/2015	WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES	638.61	Civic Center O&M
91347	5/20/2015	CIRCULATING AIR, INC.	HVAC MAINTENANCE	558.50	Civic Center O&M
91347	5/20/2015	CIRCULATING AIR, INC.	HVAC MAINTENANCE	558.50	Civic Center O&M
91459	5/27/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	477.24	Civic Center O&M
91459	5/27/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	440.54	Civic Center O&M
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	317.95	Civic Center O&M
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	293.50	Civic Center O&M
91383	5/20/2015	TRAVELWELD	FOUNTAIN REPAIRS	282.00	Civic Center O&M
91357	5/20/2015	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	268.49	Civic Center O&M
91357	5/20/2015	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	268.48	Civic Center O&M
91455	5/27/2015	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	212.50	Civic Center O&M
91455	5/27/2015	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	212.50	Civic Center O&M
91458	5/27/2015	SOUTH COAST A.Q.M.D	HOT SPOTS PROGRAM FEE	60.42	Civic Center O&M
91458	5/27/2015	SOUTH COAST A.Q.M.D	HOT SPOTS PROGRAM FEE	60.42	Civic Center O&M
Total Amount for 19 Line Item(s) from Civic Center O&M				\$12,754.39	

Community Development

91422	5/27/2015	ENVIRONMENTAL SCIENCE	ENVIRONMENTAL CONSULTING	10,688.90	Community Development
91407	5/27/2015	CALABASAS CREST LTD	R.A.P.- JUN 2015	5,576.00	Community Development
91354	5/20/2015	EDGESOFT, INC.	SOFTWARE MAINTENANCE	4,000.00	Community Development
91352	5/20/2015	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	450.00	Community Development
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- OKMIT	383.58	Community Development
91418	5/27/2015	CROSBY/ GEORGE//	R.A.P.- JUN 2015	194.00	Community Development
91425	5/27/2015	FLEYSHMAN/ALBERT//	R.A.P.- JUN 2015	194.00	Community Development
91440	5/27/2015	MEDVETSKY/LINA//	R.A.P.- JUN 2015	194.00	Community Development
91430	5/27/2015	HENDERSON/LYN//	R.A.P.- JUN 2015	194.00	Community Development
91456	5/27/2015	SHAHIR/RAHIM//	R.A.P.- JUN 2015	194.00	Community Development
91473	5/27/2015	YAZDINIAN/SUSAN//	R.A.P.- JUN 2015	194.00	Community Development
91442	5/27/2015	MILES/AUDREY//	R.A.P.- JUN 2015	194.00	Community Development
91352	5/20/2015	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	181.48	Community Development
91386	5/20/2015	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	Community Development
Total Amount for 14 Line Item(s) from Community Development				\$22,682.96	

Community Services



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91366	5/20/2015	LAS VIRGENES UNIFIED SCHOOL	MAINTENANCE EQUIPMENT	4,029.48	Community Services
91378	5/20/2015	SO CA MUNI ATHLETIC FEDERATION	CLASS INSURANCE	3,673.25	Community Services
91384	5/20/2015	UNITED SITE SERVICES OF CA INC	PORTABLE TOILET RENTAL	1,347.70	Community Services
91380	5/20/2015	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,321.18	Community Services
91351	5/20/2015	DAILY NEWS	ARTS FEST ADVERTISING	1,166.67	Community Services
91429	5/27/2015	GUDIS/MATT//	ENTERTAINMENT- JULY 4TH (DEP)	850.00	Community Services
91465	5/27/2015	VALLEY NEWS GROUP	ARTS FEST ADVERTISING	595.00	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	497.21	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	497.21	Community Services
91373	5/20/2015	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	486.00	Community Services
91419	5/27/2015	DIAL M PRODUCTIONS	ENTERTAINMENT- JULY 4TH (DEP)	462.50	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	455.40	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	455.40	Community Services
91455	5/27/2015	SECURAL SECURITY CORP	PATROL CAR SERVICES- GATES/GRP	420.00	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	401.58	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	359.77	Community Services
91404	5/27/2015	BELSLEY/JAMES//	RECREATION INSTRUCTOR	319.20	Community Services
91400	5/27/2015	AT&T	TELEPHONE SERVICE	248.31	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	238.88	Community Services
91414	5/27/2015	COHEN/SHELDON//	RECREATION INSTRUCTOR	182.00	Community Services
91420	5/27/2015	DNA ELECTRIC	ELECTRICAL REPAIRS	175.00	Community Services
91434	5/27/2015	KUHN/JOHN//	RECREATION INSTRUCTOR	147.00	Community Services
91462	5/27/2015	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	100.00	Community Services
91463	5/27/2015	UNITED SITE SERVICES OF CA INC	PORTABLE TOILET RENTAL	86.82	Community Services
91398	5/27/2015	ALSTER/JONATHAN S.//	RECREATION INSTRUCTOR	73.50	Community Services
91395	5/27/2015	ACORN NEWSPAPER	ARTS FEST ADVERTISING	60.00	Community Services
91462	5/27/2015	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	55.00	Community Services
91459	5/27/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	45.94	Community Services
91360	5/20/2015	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	43.76	Community Services
91400	5/27/2015	AT&T	TELEPHONE SERVICE	42.54	Community Services
91346	5/20/2015	CINTAS FIRST AID & SAFETY	QUARTERLY MONITORING- CRKSIDE	36.00	Community Services
91457	5/27/2015	SO CA MUNI ATHLETIC FEDERATION	CLASS INSURANCE	7.00	Community Services
Total Amount for 32 Line Item(s) from Community Services				\$18,879.30	

Klubhouse Preschool

91373	5/20/2015	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	1,134.00	Klubhouse Preschool
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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
91431	5/27/2015	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	261.49	Klubhouse Preschool
91377	5/20/2015	ROSATI FARMS	MILK/YOGURT DELIVERY	134.40	Klubhouse Preschool
91360	5/20/2015	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	102.09	Klubhouse Preschool
91346	5/20/2015	CINTAS FIRST AID & SAFETY	QUARTERLY MONITORING- CRKSIDE	84.00	Klubhouse Preschool
91453	5/27/2015	ROSATI FARMS	MILK/YOGURT DELIVERY	71.40	Klubhouse Preschool
Total Amount for 6 Line Item(s) from Klubhouse Preschool				\$1,787.38	

Library

91426	5/27/2015	GALE CENGAGE LEARNING	E-BOOKS	10,223.34	Library
91394	5/27/2015	3M	E-BOOKS	3,431.86	Library
91426	5/27/2015	GALE CENGAGE LEARNING	E-BOOKS	1,056.00	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	706.25	Library
91471	5/27/2015	WILD WONDERS, INC.	LIBRARY ENTERTAINMENT	450.00	Library
91415	5/27/2015	CONNER/PATRICK//	LIBRARY ENTERTAINMENT	325.00	Library
91412	5/27/2015	CLASS ACT	LIBRARY ENTERTAINMENT	300.00	Library
91461	5/27/2015	TIME WARNER CABLE	CABLE MODEM- LIBRARY	290.00	Library
91426	5/27/2015	GALE CENGAGE LEARNING	E-BOOKS	227.92	Library
91452	5/27/2015	RECORDED BOOKS, LLC	E-BOOKS	227.13	Library
91449	5/27/2015	PENGUIN RANDOM HOUSE, LLC	BOOKS ON CD	190.20	Library
91441	5/27/2015	MIDWEST TAPE	DVD'S-LIBRARY	184.42	Library
91452	5/27/2015	RECORDED BOOKS, LLC	BOOKS ON CD	123.81	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	104.59	Library
91449	5/27/2015	PENGUIN RANDOM HOUSE, LLC	BOOKS ON CD	89.98	Library
91452	5/27/2015	RECORDED BOOKS, LLC	E-BOOKS	56.90	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	47.10	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	45.13	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	42.35	Library
91452	5/27/2015	RECORDED BOOKS, LLC	E-BOOKS	33.93	Library
91403	5/27/2015	BAKER & TAYLOR	BOOKS-LIBRARY	28.11	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	24.03	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	22.29	Library
91432	5/27/2015	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	18.93	Library
91403	5/27/2015	BAKER & TAYLOR	BOOKS-LIBRARY	18.75	Library
91452	5/27/2015	RECORDED BOOKS, LLC	E-BOOKS	16.99	Library
91403	5/27/2015	BAKER & TAYLOR	BOOKS-LIBRARY	16.84	Library
91452	5/27/2015	RECORDED BOOKS, LLC	BOOKS ON CD	-73.45	Library



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Total Amount for 28 Line Item(s) from Library				\$18,228.40	
<u>LMD #22</u>					
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	27,832.33	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	12,906.08	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	12,367.25	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	11,733.42	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	10,899.12	LMD #22
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	9,875.00	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	8,190.91	LMD #22
91344	5/20/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	6,310.00	LMD #22
91344	5/20/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	5,875.63	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,821.84	LMD #22
91344	5/20/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	5,405.86	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	5,132.84	LMD #22
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	5,070.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,787.08	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,529.25	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,313.86	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,911.17	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	3,774.63	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,758.08	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,904.83	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,751.25	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,604.55	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,556.26	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,231.06	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,227.67	LMD #22
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	2,175.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,252.42	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,217.41	LMD #22
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	1,210.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,086.84	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	936.91	LMD #22
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	885.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	802.00	LMD #22

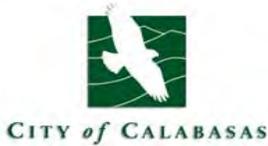


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91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	749.00	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	749.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	682.54	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	681.25	LMD #22
91344	5/20/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	610.15	LMD #22
91344	5/20/2015	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	600.00	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	501.90	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	457.12	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	440.74	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	411.96	LMD #22
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	400.00	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	382.27	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	327.65	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	285.00	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	281.00	LMD #22
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	260.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	260.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	256.17	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	241.06	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	228.19	LMD #22
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	221.40	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	170.00	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	153.90	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	143.91	LMD #22
91380	5/20/2015	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	140.27	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	107.94	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	99.84	LMD #22
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	85.49	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	80.05	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	59.36	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	33.28	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	30.58	LMD #22
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	15.29	LMD #22



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Total Amount for 68 Line Item(s) from LMD #22				\$188,581.86	
<u>LMD #24</u>					
91387	5/20/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	4,804.57	LMD #24
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,278.67	LMD #24
91387	5/20/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	908.00	LMD #24
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	843.85	LMD #24
91370	5/20/2015	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	575.00	LMD #24
91445	5/27/2015	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	420.00	LMD #24
Total Amount for 6 Line Item(s) from LMD #24				\$9,830.09	
<u>LMD #27</u>					
91387	5/20/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,100.90	LMD #27
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	277.93	LMD #27
Total Amount for 2 Line Item(s) from LMD #27				\$1,378.83	
<u>LMD #32</u>					
91387	5/20/2015	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,820.16	LMD #32
91342	5/20/2015	ANDERSONPENNA PARTNERS, INC.	ANNUAL LMD REFORMATION	17.09	LMD #32
Total Amount for 2 Line Item(s) from LMD #32				\$1,837.25	
<u>LMD 22 - Common Benefit Area</u>					
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	11,942.89	LMD 22 - Common Benefit Area
91367	5/20/2015	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	11,500.00	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	9,462.33	LMD 22 - Common Benefit Area
91408	5/27/2015	CALABASAS PARK HOMEOWNERS ASSO	ANNUAL INSURANCE REIMBURSEMENT	8,706.00	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,612.13	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,606.43	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,032.92	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,380.83	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,260.00	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,841.66	LMD 22 - Common Benefit Area



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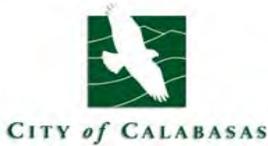
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91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,757.75	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,642.43	LMD 22 - Common Benefit Area
91470	5/27/2015	WESTERN HIGHWAY PRODUCTS, INC.	RECYCLING SIGNS	1,201.24	LMD 22 - Common Benefit Area
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,180.00	LMD 22 - Common Benefit Area
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,028.11	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	814.64	LMD 22 - Common Benefit Area
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	720.00	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	684.77	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	425.60	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	393.47	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	348.86	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	305.15	LMD 22 - Common Benefit Area
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	292.88	LMD 22 - Common Benefit Area
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	245.00	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	232.65	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	160.01	LMD 22 - Common Benefit Area
91469	5/27/2015	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	111.63	LMD 22 - Common Benefit Area
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	39.98	LMD 22 - Common Benefit Area
91389	5/20/2015	VERIZON WIRELESS	TELEPHONE SERVICE	39.02	LMD 22 - Common Benefit Area
Total Amount for 29 Line Item(s) from LMD 22 - Common Benefit Area				\$71,968.38	

Media Operations

91389	5/20/2015	VERIZON WIRELESS	TELEPHONE SERVICE	2,184.94	Media Operations
91371	5/20/2015	NICKERSON/LAURA//	CTV HOST SERVICES	1,875.00	Media Operations
91460	5/27/2015	TELECOM LAW FIRM, P.C.	TELECOMM CONSULT SVCS	1,674.99	Media Operations
91428	5/27/2015	GRANICUS INC.	WEB ARCHIVING SERVICE	750.00	Media Operations
91460	5/27/2015	TELECOM LAW FIRM, P.C.	TELECOMM CONSULT SVCS	749.85	Media Operations
91433	5/27/2015	KEY INFORMATION SYSTEMS, INC.	T-1 LINE MONTHLY FEE	484.53	Media Operations
91413	5/27/2015	CLIENTFIRST CONSULTING GRP LLC	IT CONSULTING SERVICES	450.00	Media Operations
91382	5/20/2015	TIME WARNER CABLE	CABLE MODEM- CITY HALL	375.00	Media Operations
91382	5/20/2015	TIME WARNER CABLE	CABLE MODEM- CITY HALL	98.24	Media Operations
91460	5/27/2015	TELECOM LAW FIRM, P.C.	TELECOMM CONSULT SVCS	75.01	Media Operations
91395	5/27/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
91395	5/27/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
91395	5/27/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
91395	5/27/2015	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations



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91401	5/27/2015	AT&T MOBILITY	TELEPHONE SERVICE	46.51	Media Operations
Total Amount for 15 Line Item(s) from Media Operations				\$9,004.07	
<u>Non-Departmental</u>					
91355	5/20/2015	EMPLOYMENT DEVELOPMENT	UNEMPLOYMENT INSURANCE	3,548.00	Non-Departmental
91455	5/27/2015	SECURAL SECURITY CORP	PARKING ENFORCEMENT	2,775.00	Non-Departmental
91410	5/27/2015	CANON BUSINESS SOLUTIONS, INC.	COPIER SVC PROGRAM- GPQ10817	62.60	Non-Departmental
Total Amount for 3 Line Item(s) from Non-Departmental				\$6,385.60	
<u>Payroll</u>					
91447	5/27/2015	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- JUN 15	72.00	Payroll
Total Amount for 1 Line Item(s) from Payroll				\$72.00	
<u>Police / Fire / Safety</u>					
91363	5/20/2015	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- APR 2015	338,486.48	Police / Fire / Safety
91363	5/20/2015	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- APR 2015	14,652.03	Police / Fire / Safety
91436	5/27/2015	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- STAR PROGRAM	4,511.17	Police / Fire / Safety
91435	5/27/2015	L.A. CO. DEPT. OF ANIMAL CARE	ANIMAL HOUSING SVCS- JUN 2015	2,748.38	Police / Fire / Safety
Total Amount for 4 Line Item(s) from Police / Fire / Safety				\$360,398.06	
<u>Public Safety & Emergency Preparedness</u>					
91450	5/27/2015	PHOTO-SCAN OF LOS ANGELES, INC	SECURITY SOFTWARE	345.00	Public Safety & Emergency Preparedness
Total Amount for 1 Line Item(s) from Public Safety & Emergency Preparedness				\$345.00	
<u>Public Works</u>					
91368	5/20/2015	MSW CONSULTANTS, INC	CONSULTING SERVICES	21,642.50	Public Works
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	15,555.13	Public Works
91409	5/27/2015	CALIFORNIA CIVIL ENGINEERING	CATCH BASIN SCREEN PROJECT	13,983.12	Public Works
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	8,870.14	Public Works
91365	5/20/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	7,460.28	Public Works
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	2,020.28	Public Works



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91472	5/27/2015	WILHELM/RICHARD//	FIELD INVESTIGTN/DRAFTING SVCS	1,650.00	Public Works
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	1,485.00	Public Works
91466	5/27/2015	VARELA/ADRIAN//	INSPECTION SERVICES	1,440.00	Public Works
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	1,422.20	Public Works
91464	5/27/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	1,379.00	Public Works
91454	5/27/2015	SALGUERO/BRYAN//	CONSULTING SERVICES	1,120.00	Public Works
91446	5/27/2015	ORTIZ/JOEL//	CONSULTING SERVICES	1,120.00	Public Works
91446	5/27/2015	ORTIZ/JOEL//	CONSULTING SERVICES	1,120.00	Public Works
91437	5/27/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	723.09	Public Works
91437	5/27/2015	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	682.29	Public Works
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	440.00	Public Works
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
91338	5/20/2015	ACCURATE BACKFLOW TESTING	REPAIR-BACKFLOW DEVICE	366.00	Public Works
91417	5/27/2015	COUNTY OF LOS ANGELES	CONTRACT SERVICES	364.66	Public Works
91385	5/20/2015	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	320.00	Public Works
91339	5/20/2015	ACORN NEWSPAPER	EARTH DAY ADVERTISING	292.73	Public Works
91339	5/20/2015	ACORN NEWSPAPER	EARTH DAY ADVERTISING	292.73	Public Works
91370	5/20/2015	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	277.50	Public Works
91388	5/20/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	277.00	Public Works
91339	5/20/2015	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
91339	5/20/2015	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
91349	5/20/2015	COUNTY SANITATION DISTRICT	REFUSE FEES- APR 2015	83.30	Public Works
91380	5/20/2015	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	58.46	Public Works
91389	5/20/2015	VERIZON WIRELESS	TELEPHONE SERVICE	38.01	Public Works
Total Amount for 33 Line Item(s) from Public Works				\$86,779.84	

Recoverable / Refund / Liability

91397	5/27/2015	ALLIANT INSURANCE SERVICES INC	CRIME PROGRAM INSURANCE	1,225.00	Recoverable / Refund / Liability
91372	5/20/2015	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	962.98	Recoverable / Refund / Liability
91447	5/27/2015	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	472.44	Recoverable / Refund / Liability
91372	5/20/2015	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	187.86	Recoverable / Refund / Liability
91356	5/20/2015	FRANCHISE TAX BOARD	WAGE GARNISHMENT- 5/15/15	184.62	Recoverable / Refund / Liability
91444	5/27/2015	MORHAR/ADAM//	RECREATION REFUND	150.00	Recoverable / Refund / Liability

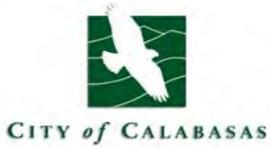


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91423	5/27/2015	FAGENSON/BILL//	RECREATION REFUND	50.00	Recoverable / Refund / Liability
91381	5/20/2015	STATE DISBURSMENT	WAGE GARNISHMENT- 5/15/15	46.15	Recoverable / Refund / Liability
91421	5/27/2015	EDWARDS/LA-RAE//	RECREATION REFUND	40.00	Recoverable / Refund / Liability
91402	5/27/2015	ATTAR/MARNI//	RECREATION REFUND	40.00	Recoverable / Refund / Liability
91443	5/27/2015	MOON/JEN//	RECREATION REFUND	40.00	Recoverable / Refund / Liability
91424	5/27/2015	FISCHER/HILLARY//	RECREATION REFUND	30.00	Recoverable / Refund / Liability
91439	5/27/2015	MAYEUR/DORA//	RECREATION REFUND	7.00	Recoverable / Refund / Liability
91439	5/27/2015	MAYEUR/DORA//	RECREATION REFUND	6.00	Recoverable / Refund / Liability
91411	5/27/2015	CHAPMAN/NORMAN//	RECREATION REFUND	2.00	Recoverable / Refund / Liability
91427	5/27/2015	GOLDSTEIN/BARRY//	RECREATION REFUND	2.00	Recoverable / Refund / Liability
Total Amount for 16 Line Item(s) from Recoverable / Refund / Liability				\$3,446.05	
Senior Center Construction					
91359	5/20/2015	GEODYNAMICS	SENIOR CENTER ENGINEERING	1,620.00	Senior Center Construction
91359	5/20/2015	GEODYNAMICS	SENIOR CENTER ENGINEERING	1,240.50	Senior Center Construction
Total Amount for 2 Line Item(s) from Senior Center Construction				\$2,860.50	
Tennis & Swim Center					
91459	5/27/2015	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	3,521.08	Tennis & Swim Center
91376	5/20/2015	PRO OUTDOOR MOVIES, INC.	MOVIE SCREEN	2,235.50	Tennis & Swim Center
91358	5/20/2015	GARBA ONADJA ENTERPRISES, LLC	RECREATION INSTRUCTOR	980.00	Tennis & Swim Center
91374	5/20/2015	PETTY CASH-TENNIS & SWIM CNTR	REPLENISH PETTY CASH	232.09	Tennis & Swim Center
91451	5/27/2015	PRO OUTDOOR MOVIES, INC.	PROGRAM SUPPLIES	198.95	Tennis & Swim Center
91362	5/20/2015	KNORR SYSTEMS, INC.	POOL VACUUM PARTS	130.59	Tennis & Swim Center
91362	5/20/2015	KNORR SYSTEMS, INC.	POOL VACUUM PARTS	130.21	Tennis & Swim Center
91393	5/20/2015	YEEOPP/BETTY//	RECREATION INSTRUCTOR	126.00	Tennis & Swim Center
91374	5/20/2015	PETTY CASH-TENNIS & SWIM CNTR	REPLENISH PETTY CASH	91.53	Tennis & Swim Center
91361	5/20/2015	INNER-I ...SECURITY IN FOCUS	ALARM SYSTEM REPAIRS	90.00	Tennis & Swim Center
91340	5/20/2015	AIRGAS- WEST	TC HELIUM	43.85	Tennis & Swim Center
Total Amount for 11 Line Item(s) from Tennis & Swim Center				\$7,779.80	
Transportation					
91369	5/20/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - APR 15	21,859.43	Transportation
91369	5/20/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - APR 15	12,985.16	Transportation



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91448	5/27/2015	PARSONS TRANSPORTATION GROUP	LOST HILLS INTERCHANGE	9,971.50	Transportation
91341	5/20/2015	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	4,823.30	Transportation
91396	5/27/2015	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	4,797.28	Transportation
91380	5/20/2015	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,468.45	Transportation
91369	5/20/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - APR 15	2,916.39	Transportation
91353	5/20/2015	DEAN/JAMES//	LANDSCAPE DESIGNS	2,500.00	Transportation
91399	5/27/2015	AMERICAN HONDA FINANCE CORP	LEASE PAYMENT- JUN 2015	1,925.00	Transportation
91438	5/27/2015	LAS VIRGENES UNIFIED SCHOOL	BEFORE & AFTER SCHOOL AIDES	1,200.00	Transportation
91392	5/20/2015	WESTERN HIGHWAY PRODUCTS, INC.	TRAFFIC SIGNS	1,117.71	Transportation
91369	5/20/2015	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - APR 15	1,049.39	Transportation
91468	5/27/2015	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- CIP	658.08	Transportation
91364	5/20/2015	LA DWP	METER SERVICE - TRAFFIC LIGHT	127.51	Transportation
91417	5/27/2015	COUNTY OF LOS ANGELES	CONTRACT SERVICES	31.22	Transportation
Total Amount for 15 Line Item(s) from Transportation				\$69,430.42	
GRAND TOTAL for 322 Line Items				\$916,116.71	

FUTURE AGENDA ITEMS

Department Agenda Headings Agenda Title/Future Agenda

24-Jun

PW	Consent	Adoption of Resolution No. 2015-1466 approving the application for grant funds for the California River Parkways Grant Program
PW	New Business	Design considerations for the citywide median street name sign replacement program
PW	New Business	A discussion, presentation and direction to staff from the City Council to proceed with the City's Solid Waste Franchise Agreement Request for Proposals (RFP)
CD	New Business	Story pole policy
PW	New Business	Calabasas Park Gateway Project CIP #14-15-10
CD	New Business	Overview of National Park Service RIM of the Valley Corridor study

Future Items

CC	Consent	LVUSD election consolidation request
CC	Consent	League voting delegates
PW	Consent	Adoption of Resolution No. 2015-1462 finding the City to be in conformance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report
CD	New Business	Expedited permits for rooftop solar energy systems-AB 2188
CD	New Business	Plaque recommendations by the HPC
CD	New Business	Business signage
CD	New Business	Craftman's Corner pre-zoning
CD	New Business	Business registration program
CC	New Business	Commissioner interviews for appointments expiring in November 2015
CC	New Business	Effectiveness of Commissions
CC	New Business	Noticing practices

2015 CITY COUNCIL MEETING DATES

8-Jul - Canceled	28-Oct
22-Jul - Canceled	3-Nov - Municipal Election
12-Aug	11-Nov - Canceled - Veterans' Day
26-Aug	18-Nov - Special Meeting Election Certification - Council Reorg.
9-Sep	25-Nov - Canceled - Thanksgiving Eve
23-Sep - Canceled Yom Kippur	9-Dec
14-Oct	23-Dec - Canceled