



CITY *of* CALABASAS

**CITY COUNCIL AGENDA
REGULAR MEETING – WEDNESDAY, APRIL 25, 2018
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.

Call to Order/Roll Call of Councilmembers
Pledge of Allegiance by Boy Scout Pack 333 Tigers
Approval of Agenda

ANNOUNCEMENTS/INTRODUCTIONS – 7:05 P.M.

PRESENTATIONS – 7:10 P.M.

- Annual book donation by Las Virgenes Municipal Water District

ORAL COMMUNICATION – PUBLIC COMMENT – 7:30 P.M.

CONSENT ITEMS – 7:40 P.M.

1. [Approval of meeting minutes from April 11, 2018](#)
2. [Recommendation to approve an amendment to expand the scope of services of the existing Child Care, After School and Camp Program Agreement with Little Learners, LLC](#)

3. [Adoption of Ordinance No. 2018-364 amending the following Sections of the Calabasas Municipal Code: 17.80.065 of Chapter 17.80, "Enforcement of Development Code Provisions," Section 17.11.010 "Permitted, Conditional and Ancillary Land Uses – All Zoning Districts", and Section 17.90.020 defining residential and accessory uses; and adding a new Section 17.12.175 prohibiting short-term rentals or occupancies of property except for lawfully approved hotels, motels, and bed and breakfast inns](#)
4. [Accept offers of the dedication of easements for the purposes of maintaining public hiking trails across properties located at 3101 and 3111 Old Topanga Canyon Road](#)

PUBLIC HEARING – 7:45 P.M.

5. [Consideration of Resolution No. 2018-1583 and Resolution No. 2018-1586 approving File No. 170000993, an application, inclusive of a Site Plan Review, Oak Tree Permit, Lot Merger and Summary Street Vacation to merge five lots into one 26,460 square-foot lot and construct a new 2,840 square-foot single-family residence with a two-car attached garage located at 23742 Fern Trail \(APN 2072-018-022\), within the Rural Community \(RC\) zoning district, and Calabasas Highlands \(CH\) overlay zone](#)

The Planning Commission recommended that the City Council approve the project and found that the proposed summary street vacation is consistent with the General Plan at its APRIL 5, 2018, meeting

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (new construction of one single-family residence), 15304 (minor alterations of land), and 15332 (in-fill development) of the California CEQA Guidelines

NEW BUSINESS – 8:15 P.M.

6. [Recommendation from the Communications and Technology Commission to update the CTV Channel policy and Adopt Resolution No. 2018-1585, approving and adopting policies for government access programming channel for the City of Calabasas \(CTV\) and rescinding Resolution No. 2007-1093](#)
7. [Discussion of CTV coverage/protocols during 2018 election](#)

INFORMATIONAL REPORTS – 8:40 P.M.

8. [Check Register for the period of, April 4-12, 2018](#)

TASK FORCE REPORTS – 8:45 P.M.

CITY MANAGER’S REPORT – 8:50 P.M.

TENTATIVE FUTURE AGENDA ITEMS – 8:55 P.M.

ADJOURN – 9:00 P.M.

The City Council will adjourn in memory of Lillian Marie Martin, mother of former Mayor Lucy Martin and Marvin Malk, uncle of Mayor pro Tem David Shapiro to their next regular meeting scheduled on Wednesday, May 9, 2018, at 7:00 p.m.

**MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, APRIL 11, 2018**

Mayor Gaines called the meeting to order at 7:01 p.m. in the Council Chambers, 100 Civic Center Way, Calabasas, CA.

ROLL CALL

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

Absent: None

Staff: Coroalles, Hernandez, Holden, Howard, Tamuri and Yalda

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led Girl Scout Cadette Troop 1786

APPROVAL OF AGENDA

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

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

ANNOUNCEMENTS/INTRODUCTIONS

Members of the Council made the following announcements:

Councilmember Bozajian:

- Extended an invitation to Creekside Park on April 14 in celebration of Earth Day.
- Extended an invitation to the Calabasas Fine Arts Festival on May 5-6.
- Showcased the Spring/Summer Recreation Brochure available at City facilities and online.

Councilmember Maurer:

- Expressed her excitement for the LA Kings advancing to the Stanley Cup Playoffs.
- Expressed condolences to former Mayor/Councilmember Lucy Martin for the loss of her mother Lillian Martin.

Councilmember Weintraub:

- Announced the availability of tickets for the annual LVUSD The Foundation event taking place on June 1.
- Echoed the sentiments of Councilmember Maurer and expressed condolences to Mrs. Martin for her loss.

Mayor pro Tem Shapiro:

- Echoed the sentiments of his fellow Councilmembers and expressed condolences to the Martin Family.
- Extended an invitation to Peter Strauss Ranch on April 21 for the Imagine Fest event.
- Extended an invitation to the annual Chamber Mayoral luncheon, honoring Mayor Gaines on April 19 in Founders Hall.

Mayor Gaines:

- Extended an invitation to the annual Chamber Wine Tasting event on May 18 at the Commons.
- Extended an invitation to a Ribbon Cutting and Dedication ceremony for the Don Wallace Trail taking place on April 13.
- Also extended condolences to the Martin Family and announced the April 25 meeting would be adjourned in memory of Mrs. Martin's mother.

➤ **Adjourn in Memory**

Mayor Gaines announced that the meeting would be adjourned in memory of Alice C. Stelle.

Members of the Council expressed condolences to the Stelle family and extended gratitude for all Ms. Stelle's contributions to the community.

AC Stelle Middle School Principal Ryan Emery expressed appreciation for the tribute to Mrs. Stelle.

PRESENTATIONS

- 2018 APWA Public Works Project of the Year Award for the Las Virgenes Road Scenic Corridor Widening Project

Mr. Nader Heydari of APWA presented Ms. Holden, Mr. Yalda, and Darryl Rutledge with Excel Paving Company, the 2018 APWA Public Works Project of the Year Award.

- Unveiling of the Red Tailed Hawk sculpture for the Lost Hills Road Interchange

Ms. Holden and Sculptor Delesprie unveiled the Red Tailed Hawk sculpture for the Lost Hills Road Interchange

ORAL COMMUNICATIONS – PUBLIC COMMENT

Dennis Washburn, Sherry Ferber, Randi Feilich and Roberta Karsch spoke during public comment.

CONSENT ITEMS

1. Approval of meeting minutes from March 28, 2018
2. February 2018 Sheriff's Crime Report
3. Recommendation to approve a professional services agreement with Willdan Engineering for on-call engineering, plan check, surveying, geotechnical and inspection services for CIP and recoverable projects in an amount not to exceed \$100,000
4. Adoption of Resolution No. 2018-1584 to include a list of projects funded by Senate Bill 1 (The Road Repair Accountability Act) to the Fiscal Year 2018-19 budget for the Capital Improvement Program
5. Adoption of Resolution No. 2018-1578, 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. 2018-1579, 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 2018-2019; Adoption of Resolution No. 2018-1580, 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 a time and place for a public hearing

Councilmember Bozajian pulled Consent Item No. 2.

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

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

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

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

PUBLIC HEARING

6. Introduction of Ordinance No. 2018-364 amending the following Sections of the Calabasas Municipal Code: 17.80.065 of Chapter 17.80, "Enforcement of Development Code Provisions," Section 17.11.010 "Permitted, Conditional and Ancillary Land Uses – All Zoning Districts", and Section 17.90.020 defining residential and accessory uses; and adding a new Section 17.12.175 prohibiting short-term rentals or occupancies of property except for lawfully approved hotels, motels, and bed and breakfast inns

Mayor Gaines opened the public hearing.

Ms. Tamuri presented the report.

Mayor Gaines closed the public hearing.

After discussion, Councilmember Weintraub moved, seconded by Mayor pro Tem Shapiro to approve Item No. 6 with modifications. MOTION CARRIED 5/0 as follows:

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

INFORMATIONAL REPORTS

7. Check Register for the period of March 21-28, 2018

No action was taken on this item.

TASK FORCE REPORTS

Mayor pro Tem Shapiro reported that Councilmember Weintraub and he attended several PFC/PFA meetings.

CITY MANAGER'S REPORT

None.

TENTATIVE FUTURE AGENDA ITEMS

None.

The City Council recessed to Closed Session at 8:01 p.m.

CLOSED SESSION – CONFERENCE ROOM

1. Public Employment – City Manager

There were no reportable actions from Closed Session Item No. 1.

ADJOURN

The City Council adjourned the meeting at 9:05 p.m. in memory of Alice C. Stelle to their next regular meeting scheduled on Wednesday, April 25, 2018, at 7:00 p.m.

Maricela Hernandez, MMC
City Clerk



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 16, 2018

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JEFF RUBIN, DIRECTOR OF COMMUNITY SERVICES

SUBJECT: RECOMMENDATION TO APPROVE AN AMENDMENT TO EXPAND THE SCOPE OF SERVICES OF THE EXISTING CHILD CARE, AFTER SCHOOL AND CAMP PROGRAM AGREEMENT WITH LITTLE LEARNERS, LLC

MEETING DATE: APRIL 25, 2018

SUMMARY RECOMMENDATION:

It is recommended that City Council approve an amendment to expand the scope of services of the existing Professional Services Agreement with Little Learners, LLC.

BACKGROUND/DISCUSSION:

City Council approved a new five year agreement October 26, 2016 (Contract Dates of March 1, 2017 – February 28, 2022) with Little Learners to provide child care, after school and seasonal camp programs. This amendment will allow for expanded services to include both full time and hourly staffing for our state licensed preschool program. When requested by the City on an as needed basis, Little Learners shall provide both full time and hourly teachers for the Calabasas Klubhouse Preschool in order to bring additional continuity to our program.

With a reduction in full time teaching staff (12 to 7) due to attrition and the City's hiring freeze to go along with the limitation of 1,000 hours per fiscal year for hourly staff, we have been challenged to hire and retain the qualified, caring and dedicated staff both the parents and administration have become familiar with.

This addition to the scope of services with Little Learners will go a long way in providing and retaining both well qualified and committed teaching professionals.

FISCAL IMPACT/SOURCE OF FUNDING:

No additional impact to the approved budget/10-135-510000 or 10-135-510900 for full time or hourly employees.

REQUESTED ACTION:

It is requested that City Council approve an amendment to expand the scope of services of the existing Professional Services Agreement with Little Learners, LLC.

ATTACHMENTS:

Amendment No. 1 to the Little Learners, LLC, Professional Services Agreement

CITY OF CALABASAS
AMENDMENT No. 1 TO LITTLE LEARNERS LLC. PROFESSIONAL SERVICES AGREEMENT
City of Calabasas/Little Learners LLC.

This Amendment No. 1 to Agreement, (herein “AMENDMENT”) is made on this ____ day of April, 2018 at Calabasas, California by and between the City of Calabasas, a municipal corporation, 100 Civic Center Way, Calabasas, California 91302 (hereinafter referred to as the “CITY”) and Little Learners, LLC., PO Box 9164, Calabasas, California 91302 (hereinafter referred to as the “CONTRACTOR”).

WITNESSETH

- A. This AMENDMENT to AGREEMENT amends the original AGREEMENT between the CITY and CONTRACTOR dated October 26, 2016 (Contract Term March 1, 2017-February 28, 2022).

- B. CITY and CONTRACTOR desire to amend the AGREEMENT by modifying the Scope of Services as set forth in the AGREEMENT and attached hereto as Exhibit A incorporated herein by this reference.

- C. CITY and CONTRACTOR desire to amend the AGREEMENT by modifying the Fee Schedule as set forth in the AGREEMENT and attached hereto as Exhibit B incorporated herein by this reference.

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

By: _____

Fred Gaines, Mayor

Date: _____

“Contractor”

Little Learners LLC.

By: _____

Bridget Nelson, Owner

Date: _____

By: _____

Carly Armacost, Officer

Date: _____

Attest:

By: _____

Maricela Hernandez, MMC

City Clerk

Date: _____

Approved as to form:

By: _____

Scott H. Howard

Colantuono, Highsmith & Whatley, PC

City Attorney

Date: _____

EXHIBIT A
Scope of Services

To Be Added To Responsibilities of LITTLE LEARNERS:

- A. When requested by the City on an as needed basis, LITTLE LEARNERS shall provide full time and/or hourly staff for our Preschool Program.

EXHIBIT B
Fee Schedule

To Be Added:

When staffing services are requested by the City for the Preschool Program, LITTLE LEARNERS will be paid no more than the hourly rate per employee provided as approved within the City of Calabasas Compensation Resolution (Effective January 1, 2018) for hourly staff plus an additional \$5.25 per hour per employee to cover the cost of scheduling, taxes, liability insurance and workers compensation insurance. If a full time staff member is requested by the City then the above fees plus an additional \$282.34 - \$449.30 based upon employee per month to cover the cost of health insurance provided by Little Learners.



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 17, 2018

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM:  MAUREEN TAMURI AIA, AICP
COMMUNITY DEVELOPMENT DIRECTOR 
TOM BARTLETT, AICP, CITY PLANNER

SUBJECT: ADOPTION OF ORDINANCE NO. 2018-364 AMENDING THE FOLLOWING SECTIONS OF THE CALABASAS MUNICIPAL CODE: 17.80.065 OF CHAPTER 17.80, "ENFORCEMENT OF DEVELOPMENT CODE PROVISIONS," SECTION 17.11.010 "PERMITTED, CONDITIONAL AND ANCILLARY LAND USES - ALL ZONING DISTRICTS", AND SECTION 17.90.020 DEFINING RESIDENTIAL AND ACCESSORY USES; AND ADDING A NEW SECTION 17.12.175 PROHIBITING SHORT-TERM RENTALS OR OCCUPANCIES OF PROPERTY EXCEPT FOR LAWFULLY APPROVED HOTELS, MOTELS, AND BED AND BREAKFAST INNS.

PLANNING COMMISSION RECOMMENDATION: FOLLOWING A PUBLIC HEARING ON MARCH 15, 2018, THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE PROPOSED ORDINANCE PER PLANNING COMMISSION RESOLUTION NO. 2018-659

THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW IN ACCORDANCE WITH SECTION 21084 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND PURSUANT TO SECTIONS 15002(K)(1) AND 15061(B)(3) OF THE CEQA GUIDELINES

MEETING DATE: APRIL 25, 2018

SUMMARY RECOMMENDATION:

That the City Council adopt Ordinance No. 2018-364 amending the following Sections of the Calabasas Municipal Code: 17.80.065 of Chapter 17.80, "Enforcement of Development Code Provisions," Section 17.11.010 "Permitted, Conditional and Ancillary Land Uses – All Zoning Districts", and Section 17.90.020 defining residential and accessory uses; and adding a new Section 17.12.175 prohibiting short-term rentals or occupancies of property except for lawfully approved hotels, motels, and bed and breakfast inns. (Attachment A)

BACKGROUND:

At the City Council meeting of November 8, 2017, the Council discussed the negative impacts associated with short-term rental of single-family residences, and directed staff to strengthen the applicable City Codes to curtail such illegal activities. As one component of this code-strengthening effort, Staff prepared Ordinance No. 2018-364 to strengthen Title 17 of the Calabasas Municipal Code, "Land Use and Development". The Planning Commission conducted a public hearing on March 15, 2018 to consider the draft ordinance, and following the hearing the Commission adopted Planning Commission Resolution No. 2018-659, recommending approval of the ordinance. On April 11, 2018 the City Council conducted a public hearing regarding the proposed ordinance, and following the hearing the Council introduced and waived further reading of the ordinance. A more detailed background discussion is provided within the staff report from the April 11, 2018 City Council meeting.

DISCUSSION/ANALYSIS:

Having conducted and concluded two public hearings on the matter (one by the Planning Commission, and the other by the City Council), and having introduced the ordinance at the April 11 meeting, it is now appropriate for the City Council to adopt Ordinance No. 2018-364.

FISCAL IMPACT/SOURCE OF FUNDING:

Staff activities to undertake the proposed revisions and subsequent code enforcement efforts are covered in the annual budget for the Planning and Code Enforcement Divisions of the Community Development Department.

REQUESTED ACTION:

That the City Council adopt Ordinance No. 2018-364 amending the following Sections of the Calabasas Municipal Code: 17.80.065 of Chapter 17.80, "Enforcement of Development Code Provisions," Section 17.11.010 "Permitted,

Conditional and Ancillary Land Uses – All Zoning Districts”, and Section 17.90.020 defining residential and accessory uses; and adding a new Section 17.12.175 prohibiting short-term rentals or occupancies of property except for lawfully approved hotels, motels, and bed and breakfast inns.

ATTACHMENTS: A: Ordinance No. 2018-364

ITEM 3 ATTACHMENT

ORDINANCE NO. 2018-364

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING SECTION 17.80.065 OF CHAPTER 17.80 OF THE CALABASAS MUNICIPAL CODE, "ENFORCEMENT OF DEVELOPMENT CODE PROVISIONS," AMENDING SECTION 17.11.010.A OF THE CALABASAS MUNICIPAL CODE REGULATING ALLOWED LAND USES, AMENIDNG SECTION 17.90.020 OF THE CALABASAS MUNICIPAL CODE DEFINING RESIDENTIAL AND ACCESSORY USES, AND ADDING A NEW SCTION 17.12.175 OF THE CALABASAS MUNICIPAL CODE PROHIBITING SHORT-TERM RENTALS OR OCCUPANCIES OF PROPERTY, EXCEPT FOR LAWFULLY APPROVED HOTELS, MOTELS, AND BED AND BREAKFAST INNS.

WHEREAS, the City Council of the City of Calabasas, California ("the City Council") has considered all of the evidence including, but not limited to, the Planning Commission Resolution No. 2018-659, Planning Division staff report and attachments, and public testimony at its public hearing regarding these proposed amendments; and,

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

WHEREAS, the proposed Development Code Amendment is consistent with the Housing Element of the Calabasas 2030 General Plan, promotes the general welfare of the public, is adopted in the public interest, and is otherwise consistent with federal and state law; and,

WHEREAS, the City Council has considered the entirety of the record, which includes, without limitation, the Calabasas 2030 General Plan; the staff report, public comments, and minutes from the meeting of the Planning Commission on Thursday March 15, 2018; the staff report, public comments, and minutes from the City Council meeting of April 11, 2018, and all associated reports and testimony;

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

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

1. Notice of the April 11, 2018 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Calabasas Recreation Center, and at Calabasas City Hall.
2. Notice of the April 11, 2018, City Council public hearing was published in the *Las Virgenes Enterprise* ten (10) days prior to the hearing.
3. Notice of the April 11, 2018, City Council public hearing complied with the public notice requirements set forth in Government Code Section 65009 (b)(2).
4. Following a public hearing held on March 15, 2018, the Planning Commission adopted Resolution No. 2018-659 recommending to the City Council adoption of this ordinance.

SECTION 2. Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve Development Code Amendments, which follow in Sections 3 through 6 of this ordinance, provided that the following findings are made:

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

The proposed amendments meet this finding because it maintains and strengthens the policies of the General Plan that are intended to preserve a high quality of life and quiet enjoyment of residential neighborhoods. The Calabasas 2030 General Plan, as updated on September 11, 2013 through the adoption of the 2014-2021 Housing Element Update, includes the following objective statements: The Plan is intended to allow land use and policy determinations to be made within a comprehensive framework that incorporates public health, safety, and "quality of life" considerations in a manner that recognizes the resource limitations and the fragility of the community's natural environment.

The proposed amendment to Section 17.80.65 updates the City's permit application requirements, such that any permit granted under the Calabasas Municipal Code may be issued for any property on which the Director finds a violation of the Code exists until such violation is corrected to the satisfaction of the director.

The proposed amendment will assist in promoting the public health, safety and general welfare of the public by restricting permit issuance to properties that have been issued Notices of Violation for illegal land uses which support excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, obstruction of rights of way by people or

vehicles participating in these large gatherings, public intoxication, the consumption by and provision of alcohol to minors, fights, disturbances of the peace, vandalism, urinating or defecating in public, and litter in residential communities.

The proposed amendments to Section 17.11.010A and Section 17.90.020 and the proposed new Section 17.12.175 collectively serve to better define and definitively prohibit unlawful short-term rentals or occupancies of property, except for lawfully approved and operated hotels, motels, and bed and breakfast inns.

These changes promote the goals of the Housing Element and General Plan by preserving and protecting the City's fundamentally residential character and preventing the intrusion of commercial land uses into residential zones and the attendant negative impacts to the public's health, safety, and welfare.

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

The proposed amendments are not detrimental to the public interest, health, safety, convenience, or welfare of the City because, as discussed in Section (1), they update the City's prohibitions on permit issuance so that any properties found to be operated or maintained in a manner detrimental to the public interest, health, safety, convenience, or welfare of the City will be more strictly regulated, and ensures that unlawful short-term rentals or occupancies of property are definitively prohibited. These amendments also make express and definitive the existing prohibition via the land use tables of short-term rentals or occupancies of any property or a portion thereof within the City for less than 30 days, except for lawfully approved and operated hotels, motels, and bed and breakfast inns, thereby promoting the City's preservation of its residential character and the peace and tranquility of its neighborhoods.

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

The proposed amendments are exempt from the requirement for environmental review under CEQA because it can be seen with certainty that there is no possibility that the adoption of this ordinance amending the City's Development Code as specified herein, changing administrative provisions and making express and definitive the existing prohibition via the land use tables of short-term rentals or occupancies of any property or a portion thereof within the City for less than 30 days, except for lawfully approved and operated hotels, motels, and bed and breakfast inns, will have a significant effect on the environment. Accordingly, under the provisions of § 15002(k)(1) and § 15061(b)(3) of

Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act.

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

The proposed amendment is internally consistent with other applicable provisions of the Development Code because it updates Section 17.80.65, Prohibition on new permits on properties in violation of code, adopts a new section making express and definitive the existing prohibition via the land use tables of short-term rentals or occupancies of any property or a portion thereof within the City for less than 30 days, except for lawfully approved and operated hotels, motels, and bed and breakfast inns, and updates related provisions and definitions for consistency. These amendments are consistent with the existing land use tables and all other chapters remain unaffected.

SECTION 3. Development Code Amendment: Section 17.80.065 of the Land Use and Development Code is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

17.80.065 - Prohibition on new permits on properties in violation of code.

- A. Prohibition Against Permit Issuance. No permit under ~~this title~~ the Calabasas Municipal Code may be issued for any property on which the Director finds a violation of this Code exists until such violation(s) is corrected to the satisfaction of the director.
- B. Exceptions. Notwithstanding the prohibition contained in subsection A, this section shall not apply where the Director, in his or her sole discretion, finds that an emergency or condition exists which ~~exists necessitating~~ necessitates the issuance of a permit, or where the issuance of a permit is necessary to correct the existing code violation(s). In such case, a permit may issue but shall be conditioned on a requirement that the illegal condition be corrected in conjunction with the permitted development on the property.
- C. Cost of Additional Services. If deemed necessary by the director, additional sheriff, code enforcement, fire, and other city services shall be provided for inspection of construction ~~of~~ or other services to confirm that existing violations of this Code are properly abated in conjunction with development on the property permitted pursuant to paragraph B, of this section. The cost of such additional services shall be paid in advance to the city by the applicant prior to the issuance of any permit in an amount reasonably estimated by the director.

- D. Additional Conditions. The director may impose any conditions found necessary to protect the public health safety and welfare on a permit issued under paragraph B, of this section.
- E. Appeal Procedures. A decision of the director to issue, conditionally issue, or deny a permit under this section shall be final unless appealed as provided in Chapter 17.74 of this title.

SECTION 4. Development Code Amendment: Calabasas Municipal Code sections 17.11.010.B, 17.11.010.C, 17.11.010.D, 17.11.010.E, 17.11.010.F, and Table 2-2 remain unchanged. Calabasas Municipal Code Section 17.11.010.A. is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

17.11.010 Permitted, conditional and ancillary land uses—All zoning districts.

- A. Land Use Permit Requirements. The uses of land allowed by this development code in all of the ~~commercial~~ zoning districts are identified in the following table as being:
 1. A permitted use (identified with a "P" in the table), means that the use is permitted in the particular zoning district as long as all other zoning district and special criteria are met.
 2. An accessory use (identified with an "A" in the table) means that the use is allowed as long as it is ancillary to another permitted use and as long as all other zoning district and special criteria are met.
 3. A conditional use (identified with a "C" in the tables), means that a use is allowed subject to approval of a conditional use permit (Section 17.62.060).
 4. A temporary use (identified with a "TUP" in the tables), means that a use is allowed subject to prior approval and issuance of a temporary use permit (Section 17.62.030).

SECTION 5. Development Code Amendment: The following two definitions included within Calabasas Municipal Code Section 17.90.020 are hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

"Accessory uses and structures, residential" means any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the primarily residential character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property: garages, gazebos, greenhouses, spas and hot tubs, studios, storage sheds, swimming pools, tennis courts, and workshops, other on-site sport courts, and ~~workshops~~ other similar residential facilities. This term does not include secondary housing units or

accessory dwelling units, which are defined separately. Lawfully operated home occupations, permitted under Calabasas Municipal Code section 17.12.100 are also allowed accessory uses. Accessory uses do not include any short-term or transient rental or occupancy of any residential property or a portion thereof located in the City of Calabasas for any purpose, including but not limited to a vacation, for less than 30 days if that rental or occupancy occurs in exchange for any form of compensation or consideration. A bed and breakfast inn requires separate permits under the Calabasas Municipal Code section and is not an accessory use.

"Residential accessory uses and structures" means and includes any use that is customarily part of, and clearly incidental and secondary to a residence and does not change the primarily residential character of the residential use. These uses include accessory structures (e.g., garages, gazebos, greenhouses, spas and hot tubs, studios, storage sheds, swimming pools, tennis courts, workshops, other on-site sport courts, and other similar residential facilities). This term does not include secondary housing units or accessory dwelling units, which are defined separately. Lawfully operated home occupations, permitted under Calabasas Municipal Code section 17.12.100 are also allowed residential accessory uses. Residential accessory uses do not include any short-term or transient rental or occupancy of any residential property or a portion thereof located in the City of Calabasas for any purpose, including but not limited to a vacation, for less than 30 days if that rental or occupancy occurs in exchange for any form of compensation or consideration. A bed and breakfast inn requires separate permits under the Calabasas Municipal Code section and is not a residential accessory use.

SECTION 6. Development Code Amendment: A new Calabasas Municipal Code Section 17.12.175 is hereby added to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

Section 17.12.175 – Short-Term Rentals or Occupancies of Property Prohibited, Except for Lawfully Approved Hotels, Motels, and Bed and Breakfast Inns.

Any rental or occupancy of any property or a portion thereof located in the City of Calabasas for any purpose, including but not limited to a vacation, for less than 30 days is prohibited if that rental or occupancy occurs in exchange for any form of compensation or consideration. Short-term rentals or occupancies that occur at lawfully approved hotels, motels, and bed and breakfast inns operated in full compliance with all applicable federal, state, and local rules and regulations including any and all required permits from the City are lawful.

SECTION 7. Severability Clause:

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

SECTION 8. Effective Date:

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

SECTION 9. Certification:

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

PASSED, APPROVED AND ADOPTED this day of April, 2018.

Fred Gaines, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney



CITY *of* CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: APRIL 16, 2018

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM:  MAUREEN TAMURI, COMMUNITY DEVELOPMENT DIRECTOR, AICP
TOM BARTLETT, CITY PLANNER, AICP 
KRYSTIN RICE, PLANNER 

SUBJECT: ACCEPT OFFERS OF THE DEDICATION OF EASEMENTS FOR THE PURPOSES OF MAINTAINING PUBLIC HIKING TRAILS ACROSS PROPERTIES LOCATED AT 3101 AND 3111 OLD TOPANGA CANYON ROAD

MEETING DATE: APRIL 25, 2018

SUMMARY RECOMMENDATION:

Staff recommends that the City Council accept the offers of dedication of trail easements across 3101 & 3111 Old Topanga Canyon Road (APN 2072-023-104 and APN 2072-023-015), and direct the City Manager to execute the necessary documents to accept the two easements.

BACKGROUND:

In 1980, before incorporation of the City of Calabasas, the County of Los Angeles approved Parcel Map 11026, which subdivided an approximately 25-acre property into four legal lots. In 1981-82, three of the four lots were graded and improved with building pads, a shared driveway, and drainage facilities.

In 2015, the first of the four lots of the subdivision at 3121 Old Topanga Canyon Road (Parcel 1) obtained development approvals from the City, and at that time, the applicant dedicated an easement for public trail use across the northernmost portion of the property. The dedicated easement provided for potential future trail connectivity to a planned future trail to the east of the subdivision in a manner consistent with the goals and intent of the City's Master Trail Plan. The easement for Parcel 1 was dedicated and recorded on June 22, 2016.

On March 16, 2017, Planning Commission approved the construction of two new single-family homes at 3101 and 3111 Old Topanga Canyon Road on Parcels 2 and 3. The plans for both properties included a proposed trail easement at the northern end of each parcel. These trail easements are aligned with each other, and are also aligned with the dedicated trail easement on the lot, to the west, the 3121 Old Topanga property (Parcel 1), which leads west to lands owned by the Santa Monica Mountains Conservancy. The trail, which will be accomplished across these lots by these easements also provides for future connectivity to the east.

DISCUSSION/ANALYSIS:

The Calabasas 2030 General Plan, "Parks, Recreation and Trails" Element encourages the development and maintenance of a systems of trails to provide recreational opportunities. Specifically, Policy X-8 states that "in coordination with Los Angeles County, the Santa Monica Mountains Conservancy, the State Parks Department, and the National Park Service, continue to develop and maintain a system of hiking and riding trails that provide safe, enjoyable access into the area's natural environment." Policy X-13 states "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."

In compliance with the above stated policies, (and consistent with the negotiated dedication achieved for Parcel 1), the Planning Commission conditioned the subject properties to dedicate easements for the purpose of maintaining a public hiking trail, connecting to the trail easement area created in 2015 on the adjacent lot, and promoting future trail connectivity to the east.

The two easement deeds, attached as Attachments A and B, are agreements where the City "accepts a perpetual easement for ingress, egress, and construction, reconstruction, maintenance, repair and replacement of pedestrian, equestrian, and bicycle trails and matters of a similar noncommercial, recreational nature." The City will also retain the right to convey the easements and/or to delegate the City's easement rights to a public agency or another nonprofit

corporation formed for recreational or conservation purposes, such as the Mountains Restoration Trust or Santa Monica Mountains Conservancy, for recreational or conservation purposes.

The Planning Commission determined that the trail easements are consistent with the 2030 General Plan (refer to Attachment C and D).

FISCAL IMPACT/SOURCE OF FUNDING:

Until such time, that the city is able to transfer or arrange ongoing maintenance of the easements to another public agency or to qualified nonprofit, the City will be responsible for any desired maintenance of the trail easements, to be paid out of the General Fund.

REQUESTED ACTION:

Staff recommends that the City Council accept the two offers of dedication of easements across 3101 & 3111 Old Topanga Canyon Road (APN 2072-023-104 and APN 2072-023-015) and direct the City Manager to execute the necessary documents to accept these two easements.

ATTACHMENTS:

- Attachment A: 3101 Old Topanga Cyn. Rd Easement Deed
- Attachment B: 3111 Old Topanga Cyn. Rd Easement Deed
- Attachment C: P.C. Resolution No. 2017-642
- Attachment D: P.C. Resolution No. 2017-643

RECORDING REQUESTED BY:

CITY OF CALABASAS

WHEN RECORDED, MAIL TO:

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

THIS SPACE FOR RECORDER'S USE ONLY

EASEMENT DEED

KRISTINE ANDREASYAN,
The owner of 3101 Old Topanga Canyon Road

hereby GRANTS TO

CITY OF CALABASAS

a perpetual easement in gross for ingress, egress and construction, reconstruction, maintenance, repair and replacement of pedestrian, equestrian and bicycle trails and matters of a similar noncommercial, recreational nature, (collectively, the "Trail" herein) over that certain real property in the City of Calabasas, County of Los Angeles, State of California, described on Exhibit A, attached hereto and depicted on Exhibit B, attached hereto,

Together with the right to transfer and convey the same to any public agency or any nonprofit corporation formed, in whole or in part, for recreational or conservation purposes.

The easement(s) granted hereunder shall be held for the use and benefit of the general public, subject to such reasonable and non-discriminatory rules and regulations as shall be adopted, from time to time, by the holder of said easement.

The use of motorized vehicles on said trail easement(s) shall be prohibited at all times, except for:

- a. Vehicles used by any public agency for public health and safety purposes.
- b. Vehicles used in connection with the maintenance, repair, construction and reconstruction of such trails, slopes, trail heads and the like.
- c. Vehicles, such as motorized wheel chairs, designed, constructed, and operated for the specific purpose of providing access to and use of such trails for disabled persons, provided that any such vehicle shall not cause unreasonable damage to the trails.

COVENANT:

By delivery and acceptance hereof, grantor ("Owner") and grantee ("the City" herein) agree, for themselves and their respective successors and assigns, as follows:

A. Upon becoming the holder of said easement, the City shall, at its sole cost and expense, provide all maintenance, repair and replacement of the trail and related easement area as reasonably necessary to keep it in a safe and useable condition in accordance with the requirements of the City of Calabasas and any other governmental agency having jurisdiction over the Trail until such time as it is accepted for maintenance by a public agency other than the City or another nonprofit entity formed for recreational or conservation purposes. Neither the City nor any successor shall have any rights to use Owner's property, other than as conveyed in this Easement Deed, provided, however, the City agrees that any unauthorized use of Owner's property shall not give rise to any interest in the Owner's property in favor of the City, such as an easement, whether express, title, right or implied or prescriptive.

B. The City shall indemnify, defend and hold harmless Owner and its officers, directors, members, employees, agents, successors and assigns and each of them (collectively, the "Indemnified Parties"), from any and all losses, obligations, damages, injuries, claims, liabilities, expenses, liens or charges of every type and nature, including costs of defense and reasonable attorney's fees, arising out of or in connection with or in any way related to the construction or maintenance of the Trail or the use thereof by the public.

The foregoing indemnity shall not apply to any such obligation, damage, injury, claim or liability occurring or arising as the result of the active negligence of any of the Indemnified Parties. For purposes hereof, the term "active negligence" means an Indemnified Party's participation in some manner in conduct or omission which causes injury and excludes any mere failure to act in fulfillment of a duty of care which the law imposes on an owner of real property. When the City or a successor in interest assigns this Trail Easement to a third party in accordance with paragraph C immediately herein below, its duty to indemnify under this covenant shall terminate except with respect to any matter occurring prior to such assignment, provided, however, that the duty to indemnify created herein shall, upon any such assignment, become the duty of the assignee.

C. The City shall have the right to convey this Easement and to delegate its duties hereunder (and thereafter be relieved of any obligation therefore, except for the City's indemnity with respect to matters occurring prior to such assignment) to a public agency or to another nonprofit corporation formed, in whole or in part, for recreational or conservation purposes, provided that the City shall give notice in writing of such assignment to Owner, such notice to include, at the minimum, the name and mailing address of the assignee. Such assignments by the City shall not require the consent or approval of the Owner. By acceptance of such assignment, each and every successor and/or assign of this Agreement agrees to, and shall be, bound by all of the terms and conditions of this Agreement.

D. The parties are aware of the provisions of Civil Code Section 846, which exempts private landowners who permit the public to use their land for recreational purposes from liability for injury arising from any hazardous conditions on the land, with certain very limited exceptions, and of Government Code Sections 831.2 and 831.4, which provide that a government has no liability for unimproved public property and that a government and a grantor of an easement for recreational/hiking purposes are not liable for a trail. It is agreed that

EXHIBIT "A"
TRAIL EASEMENT LEGAL DESCRIPTION

All that portion of Parcel 3 of Amending Map of Parcel Map No. 11026, in the City of Calabasas, County of Los Angeles, State of California as per map recorded in Book 230 Pages 55 through 57 inclusive, of Parcel Maps in the office of the County Recorder of said County described as follows:

BEGINNING at the Northwest corner of said Parcel 3; thence along the Westerly line of said Parcel 3 South $00^{\circ} 14' 25''$ East 40.00 feet; thence South $63^{\circ} 30' 09''$ East 134.37 feet; thence North $76^{\circ} 13' 17''$ East 159.43 feet to a point on the East line of said Parcel 3 that bears South $00^{\circ} 14' 25''$ East 60.00 feet from the Northeast corner of said Parcel 3; thence along said Easterly line North $00^{\circ} 14' 25''$ West 60.00 feet to said Northeast corner; thence along the Northerly line of said Parcel 3 North $89^{\circ} 35' 16''$ West 275.02 feet to the POINT OF BEGINNING.

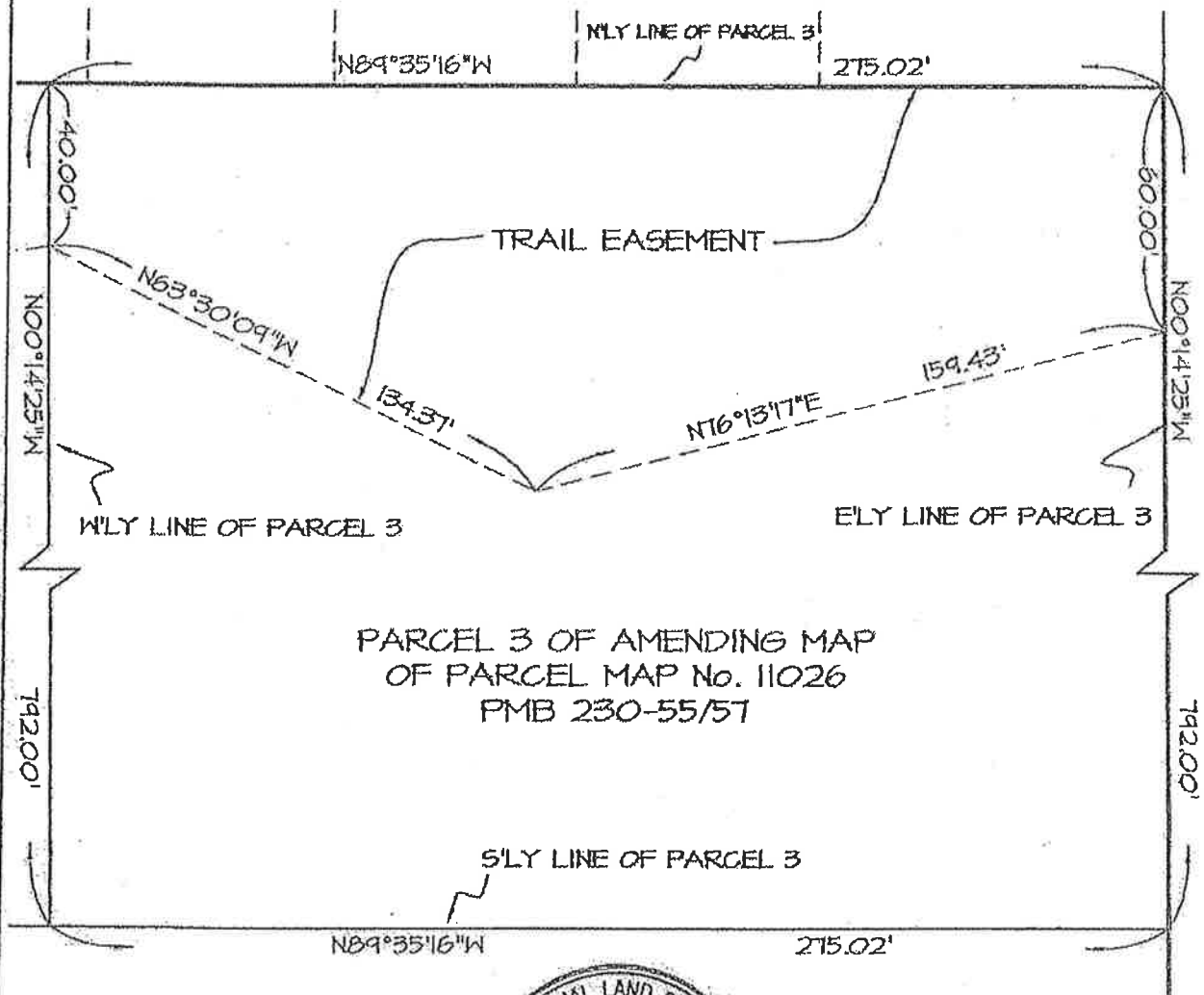
Legal description prepared by:

Glen L. Aalbers

Glen L. Aalbers, PLS 4494



EXHIBIT "B" SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PARCEL 3 OF AMENDING MAP
OF PARCEL MAP No. 11026
PMB 230-55/57

PREPARED BY:

AALBERS ASSOCIATES
Land Surveying &
Development Consultants

2362 NO. OXNARD BLVD. STE. 201
OXNARD, CA 93036
OFF 805-604-3382
FAX 805-604-3383
EMAIL glen42@aalbers.com
JOB NUMBER - 11-14-03



SCALE: 1"=40'

CITY OF CALABASAS
LOS ANGELES COUNTY

the obligations of the City, and its successors in interest, shall be secondary to the defenses afforded by Section 846 and to the availability of reimbursement for litigation costs under Civil Code Section 846.1. The provisions of Civil Code Section 846, et seq. and any successor statutes, although primary defenses to Owner, shall not limit the indemnity provided to Owner by the City or its successors or assigns. The parties intend that the Owner and City or successor in interest shall rely on Civil Code section 846 and Government Code sections 831.2 and 831.4, together with any other applicable law, as defenses to any third-party suit against the Owner, City, or successor in interest related to the easement or the use thereof by the public. Each party agrees to cooperate in asserting these statutory defenses.

E. The Owner acknowledges that the City is self-insured and is a member of a self-insurance risk pool with other local governments. The City will reasonably use its resources and any additional resources available under its self-insurance risk pooling agreements to meet its obligations under this agreement.

F. It is the intent hereof that the foregoing shall be and remain a covenant running with the land, binding upon the City (to the extent set forth hereinabove), its successors and assigns, and a burden upon the easement interest granted herein, for the benefit of the servient tenement and of Owner, its successors and assigns. Upon transfer of title to the easement, the transferor shall be relieved of liability under this covenant, and the transferee shall be thereafter bound hereby.

Dated: 4/3/2018

KRISTNE ANDREASYAN

By: 

California All-Purpose Certificate of Acknowledgment

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 Los Angeles

s.s.

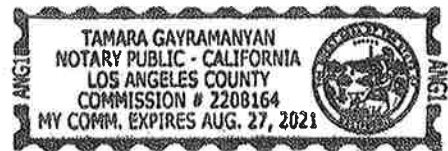
On April 3, 2018 before me, Tamara Gayramanyan, Notary Public

personally appeared Kristine Andreasyan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this certificate to an unauthorized document and may prove useful to persons relying on this attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Easement Deed

containing 5 pages, and dated 4/3/18

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other:

representing:

Additional Information
Method of Signer Identification
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on: Page # _____ Entry # _____
Notary contact: _____
Other
<input type="checkbox"/> Additional Signer <input type="checkbox"/> Signer(s) Thumbprints(s)
<input type="checkbox"/>

RECORDING REQUESTED BY:
CITY OF CALABASAS

WHEN RECORDED, MAIL TO:
City Clerk
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

THIS SPACE FOR RECORDER'S USE ONLY

EASEMENT DEED

VARDEN SARKISOV,
The owner of 3111 Old Topanga Canyon Road

hereby GRANTS TO

CITY OF CALABASAS

a perpetual easement in gross for ingress, egress and construction, reconstruction, maintenance, repair and replacement of pedestrian, equestrian and bicycle trails and matters of a similar noncommercial, recreational nature, (collectively, the "Trail" herein) over that certain real property in the City of Calabasas, County of Los Angeles, State of California, described on Exhibit A, attached hereto and depicted on Exhibit B, attached hereto,

Together with the right to transfer and convey the same to any public agency or any nonprofit corporation formed, in whole or in part, for recreational or conservation purposes.

The easement(s) granted hereunder shall be held for the use and benefit of the general public, subject to such reasonable and non-discriminatory rules and regulations as shall be adopted, from time to time, by the holder of said easement.

The use of motorized vehicles on said trail easement(s) shall be prohibited at all times, except for:

- a. Vehicles used by any public agency for public health and safety purposes.
- b. Vehicles used in connection with the maintenance, repair, construction and reconstruction of such trails, slopes, trail heads and the like.
- c. Vehicles, such as motorized wheel chairs, designed, constructed, and operated for the specific purpose of providing access to and use of such trails for disabled persons, provided that any such vehicle shall not cause unreasonable damage to the trails.

COVENANT:

By delivery and acceptance hereof, grantor ("Owner") and grantee ("the City" herein) agree, for themselves and their respective successors and assigns, as follows:

A. Upon becoming the holder of said easement, the City shall, at its sole cost and expense, provide all maintenance, repair and replacement of the trail and related easement area as reasonably necessary to keep it in a safe and useable condition in accordance with the requirements of the City of Calabasas and any other governmental agency having jurisdiction over the Trail until such time as it is accepted for maintenance by a public agency other than the City or another nonprofit entity formed for recreational or conservation purposes. Neither the City nor any successor shall have any rights to use Owner's property, other than as conveyed in this Easement Deed, provided, however, the City agrees that any unauthorized use of Owner's property shall not give rise to any interest in the Owner's property in favor of the City, such as an easement, whether express, title, right or implied or prescriptive.

B. The City shall indemnify, defend and hold harmless Owner and its officers, directors, members, employees, agents, successors and assigns and each of them (collectively, the "Indemnified Parties"), from any and all losses, obligations, damages, injuries, claims; liabilities, expenses, liens or charges of every type and nature, including costs of defense and reasonable attorney's fees, arising out of or in connection with or in any way related to the construction or maintenance of the Trail or the use thereof by the public.

The foregoing indemnity shall not apply to any such obligation, damage, injury, claim or liability occurring or arising as the result of the active negligence of any of the Indemnified Parties. For purposes hereof, the term "active negligence" means an Indemnified Party's participation in some manner in conduct or omission which causes injury and excludes any mere failure to act in fulfillment of a duty of care which the law imposes on an owner of real property. When the City or a successor in interest assigns this Trail Easement to a third party in accordance with paragraph C immediately herein below, its duty to indemnify under this covenant shall terminate except with respect to any matter occurring prior to such assignment, provided, however, that the duty to indemnify created herein shall, upon any such assignment, become the duty of the assignee.

C. The City shall have the right to convey this Easement and to delegate its duties hereunder (and thereafter be relieved of any obligation therefore, except for the City's indemnity with respect to matters occurring prior to such assignment) to a public agency or to another nonprofit corporation formed, in whole or in part, for recreational or conservation purposes, provided that the City shall give notice in writing of such assignment to Owner, such notice to include, at the minimum, the name and mailing address of the assignee. Such assignments by the City shall not require the consent or approval of the Owner. By acceptance of such assignment, each and every successor and/or assign of this Agreement agrees to, and shall be, bound by all of the terms and conditions of this Agreement.

D. The parties are aware of the provisions of Civil Code Section 846, which exempts private landowners who permit the public to use their land for recreational purposes from liability for injury arising from any hazardous conditions on the land, with certain very

limited exceptions, and of Government Code Sections 831.2 and 831.4, which provide that a government has no liability for unimproved public property and that a government and a grantor of an easement for recreational/hiking purposes are not liable for a trail. It is agreed that the obligations of the City, and its successors in interest, shall be secondary to the defenses afforded by Section 846 and to the availability of reimbursement for litigation costs under Civil Code Section 846.1. The provisions of Civil Code Section 846, et seq. and any successor statutes, although primary defenses to Owner, shall not limit the indemnity provided to Owner by the City or its successors or assigns. The parties intend that the Owner and City or successor in interest shall rely on Civil Code section 846 and Government Code sections 831.2 and 831.4, together with any other applicable law, as defenses to any third-party suit against the Owner, City, or successor in interest related to the easement or the use thereof by the public. Each party agrees to cooperate in asserting these statutory defenses.

E. The Owner acknowledges that the City is self-insured and is a member of a self-insurance risk pool with other local governments. The City will reasonably use its resources and any additional resources available under its self-insurance risk pooling agreements to meet its obligations under this agreement.

F. It is the intent hereof that the foregoing shall be and remain a covenant running with the land, binding upon the City (to the extent set forth hereinabove), its successors and assigns, and a burden upon the easement interest granted herein, for the benefit of the servient tenement and of Owner, its successors and assigns. Upon transfer of title to the easement, the transferor shall be relieved of liability under this covenant, and the transferee shall be thereafter bound hereby.

Dated:

4/16/2018

VARDEN SARKISOV

By: 

ALL PURPOSE NOTARY CERTIFICATE OF ACKNOWLEDGMENT

“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 LOS ANGELES

On April 10, 2018, before me, Mary Gevorgyan a Notary Public, personally appeared Vardan Sarkisov who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Seal

Mary Gevorgyan

Mary Gevorgyan, Notary Public

My Commission Expires: May 13, 2019

Title or Type of Document: Easement Deed

Document Date: April 10, 2018

Number of Pages: 5

EXHIBIT "A"
TRAIL EASEMENT LEGAL DESCRIPTION

All that portion of Parcel 2 of Amending Map of Parcel Map No. 11026, in the City of Calabasas, County of Los Angeles, State of California as per map recorded in Book 230 Pages 55 through 57 inclusive, of Parcel Maps in the office of the County Recorder of said County described as follows:

BEGINNING at the Northwest corner of said Parcel 2; thence along the Westerly line of said Parcel 2 South $00^{\circ} 14' 25''$ East 45.00 feet; thence South $85^{\circ} 53' 48''$ East 150.51 feet; thence North $83^{\circ} 41' 49''$ East 125.62 feet to a point on the East line of said Parcel 2 that bears South $00^{\circ} 14' 25''$ East 40.00 feet from the Northeast corner of said Parcel 2; thence along said Easterly line North $00^{\circ} 14' 25''$ West 40.00 feet to said Northeast corner; thence along the Northerly line of said Parcel 2 North $89^{\circ} 35' 16''$ West 275.01 feet to the POINT OF BEGINNING.

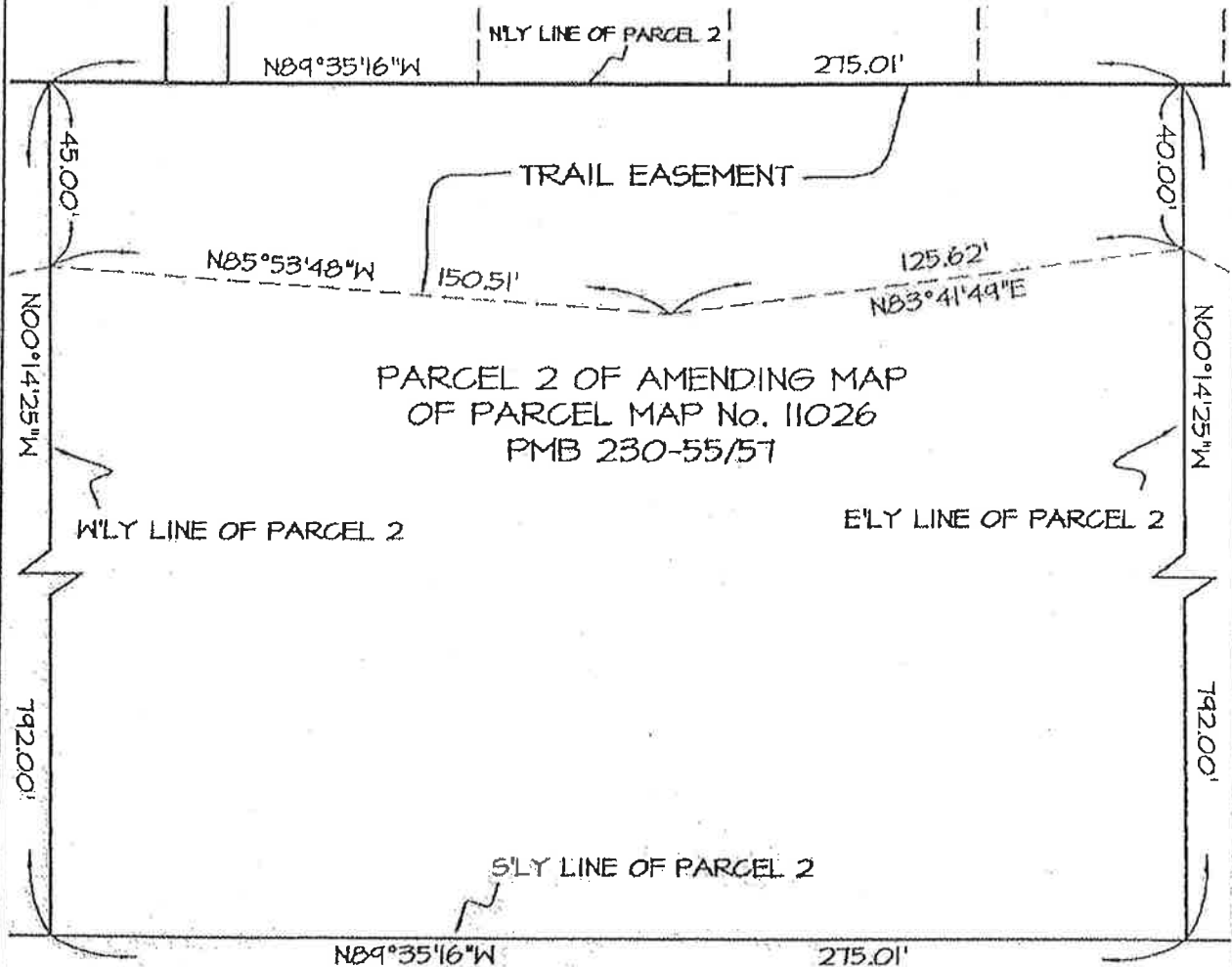
Legal description prepared by:

Glen L. Aalbers

Glen L. Aalbers, PLS 4494

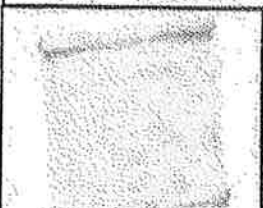


EXHIBIT "B" SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PARCEL 2 OF AMENDING MAP
OF PARCEL MAP No. 11026
PMB 230-55/57

PREPARED BY:



AALBERS ASSOCIATES
Land Surveying & Development Consultants

2362 NO. OXNARD BLVD. STE. 201
OXNARD, CA 93036
OFF 805-604-3382
FAX 805-604-3383
EMAIL: glen42@aalbers.com
JOB NUMBER - 11-14-03



SCALE: 1"=40'

CITY OF CALABASAS
LOS ANGELES COUNTY

P.C. RESOLUTION NO. 2017-642

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. 160002981, INCLUSIVE OF (1) A SITE PLAN REVIEW; (2) AN OAK TREE PERMIT; AND (3) A SCENIC CORRIDOR PERMIT TO ALLOW FOR CONSTRUCTION OF A 8,993 SQ. FT. SINGLE-FAMILY RESIDENCE WITH A 1,209 SQ. FT. BASEMENT, AN 822 SQ. FT. DETACHED GARAGE, A 1,059 SQ. FT. DETACHED GYM, AND AN IN-GROUND SWIMMING POOL ON A PREVIOUSLY GRADED AND CERTIFIED BUILDING PAD ON AN EXISTING LEGAL 5-ACRE LOT LOCATED AT 3101 OLD TOPANGA CANYON ROAD (APN 2072-023-015) WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND SCENIC CORRIDOR (SC) OVERLAY ZONE.

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 hearing held on March 16, 2017 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, 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 Initial Study prepared by the City's environmental consultant, Environmental Science Associates (ESA).
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. 160002981 on September 12, 2016.
2. The project was reviewed by the Development Review Committee on October 4, 2016 and by the Architectural Review Panel on December 9, 2016.
3. Revised plans were submitted on the following dates: November 14, 2016 and January 17, 2017.
4. On February 6, 2017, the application was deemed complete and the applicant was notified.
5. On February 14, 2017, story poles were erected on the subject property to represent a general outline of the proposed structures, consistent with the City's Story Pole Procedures.
6. A noticed public hearing was held on March 16, 2017.
7. Notices of the March 16, 2017 Planning Commission public hearing 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 March 16, 2017 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 were mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
9. Notice of Planning Commission public hearing 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 and based on the following 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 and accessory structures 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 90.6% 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 76.2 feet from the front (west) property line, 79.3 feet from the rear (east) property line, 490.2 feet from the northern side property line, and 101.2 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 buildings range in height from 12 feet to 25 feet, 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 CMC Section 17.20.150 (Hillside and Ridgeline Development). The project meets the established 50-foot ridgeline setback standard set out in Section 17.20.150.C.2 of the Code. The project has also achieved other goals of the City's Hillside ordinance such as: (1) including plantings along the slope side of development to screen and soften the architecture; (2) preserving ridgeline views; (3) incorporating medium to dark colors that blend with the natural environment; (4) incorporating an architectural style and materials that are compatible with the natural setting; and (5) varying the height of structures between 12 and 25 feet so as not to appear excessively tall. Therefore, the proposed project meets this finding.

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

The General Plan designation for the subject property is Hillside Mountainous (HM). The proposed project consists of construction of a 8,993 sq. ft. single-family residence with a 1,209 sq. ft. basement, an 822 sq. ft. detached garage, a 1,059 sq. ft. detached gym, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot located at 3101 Old Topanga Canyon Road. Approximately 85% 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 unofficial trail, 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. Future development is to be 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 multiple design strategies (including building orientation, building articulation, earth-toned exterior materials and colors, and landscape) to blend the structure into the natural environment to the fullest extent feasible and to provide a high-quality design. Accordingly, 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, to include the natural environment; (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 and landscaping; (6) Policy IX-14, which promotes lower level lighting/illumination through implementation of the City's Dark Skies ordinance; and (7) Policy IX-

16, which requires integration of sustainable practices into the design of developments, including site planning, building form, materials and landscaping.

By developing on the existing, graded pad, this proposal is in conformance with 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, based on the foregoing, the proposed project is in compliance with the Calabasas 2030 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 use of colors and materials consistent with the natural color palette and the installation of robust landscape palette (including screening trees and drought-tolerant native plants and shrubs) will reduce the impact of the home when viewed from the scenic corridor. Visual simulations prepared to assess the impact of the project on the scenic corridor demonstrate that the project is consistent with the City's development guidelines for scenic corridors, including those that pertain to minimization of grading, as well as scale, coloration, and landscape screening. 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);*

The subject project proposes development of a single-family home on a previously subdivided and graded property zoned for that use, fully conformant with the policies of the adopted Calabasas 2030 General Plan, and adherent to the development standards applicable to the project as promulgated under Title 17 of the Calabasas Municipal Code; accordingly, the project is exempt from the requirements for environmental review, consistent with sections 21083 and 21084 of the California Environmental Quality Act (CEQA) and sections 15061 and 15303 (Categorical Exemption, Class 3, One Single-family Residence in a Residential Zone) of the CEQA Guidelines.

Furthermore, an Initial Study was prepared, in accordance with Section 15063 of the CEQA Guidelines, to determine if the project may have a significant effect on the environment. Based upon the facts, analyses, and findings contained in the Initial Study, there is no substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant impact on the environment; and, the exceptions to exemptions provided in section 15300.2 of the CEQA Guidelines do not apply. A Notice of Exemption

will be filed for the project, consistent with CEQA Guidelines Section 15062. Therefore, the proposed project meets this finding.

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

The proposed project consists of construction of a 8,993 sq. ft. single-family residence with a 1,209 sq. ft. basement, an 822 sq. ft. detached garage, a 1,059 sq. ft. detached gym, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot. The two properties to the west of the subject site are identically zoned (HM) and sized (5-acre lots); and like the subject parcel, have certified building pads that were constructed in 1991. They are both zoned for and allow the same uses as the subject property (single-family residences), and are subject to the same development standards as the proposed project. Construction of an approved project is currently underway on the westernmost of these two parcels. That project includes a 7,633 square-foot house, with a 1,320 square-foot basement, 661 square-foot garage, and a pool and spa. It has an approved FAR of 0.05. In comparison, the proposed project has a FAR of 0.057, making it comparable in scale to the only other approved project in the subdivision. The proposed new residence on the adjoining neighboring lot includes a 7,225 sq. ft. single-family residence with a 1,234 sq. ft. basement, an 980 sq. ft. detached garage, a 1,057 sq. ft. detached gym, a 440 square-foot pool cabana, and an in-ground swimming pool, with a proposed FAR of 0.057, identical to the project site. 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.

To the north, the project abuts an antiquated residential subdivision (the Calabasas Highlands) consisting of small lots averaging approximately 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 ((another antiquated subdivision), 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. FARs for homes in the Calabasas Highlands and Old Topanga communities range from 0.11 to 0.41, with an average of 0.36 – almost seven times greater than the proposed project's gross FAR of 0.057. Staff also calculated the average gross FAR of twenty-four existing homes located on HM-zoned properties along Mulholland

Highway and Dry Canyon Cold Creek. The average FAR for these twenty-four homes is 0.068; 20% greater than the proposed project's gross FAR of 0.057.

Additionally, the use of earth-tone colors, wood siding, and stone cladding will contribute to the blending of the home into the natural hillside, 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, the proposed project is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and*

The proposed project consists of construction of a 8,993 sq. ft. single-family residence with a 1,209 sq. ft. basement, an 822 sq. ft. detached garage, a 1,059 sq. ft. detached gym, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot. The project site is a previously disturbed parcel, which has an existing, graded building pad approximately 33,000-square-feet in size. The footprint of the proposed structure would cover approximately 8,482 square-feet of the site, for a site coverage of 4%; and the total floor area proposed results in a FAR calculation of 0.057 (based on a net site area of 4.87 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 90.6% 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 76.2 feet from the front (west) property line, 79.3 feet from the rear (east) property line, 490.2 feet from the northern side property line, and 101.2 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 12 feet to 25 feet, 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 and certified building pad and will utilize an existing driveway, and existing underground utility lines. The graded building pad and the existing concrete driveway are the only significantly disturbed portions of the property, while the remainder of the property remains in a natural state. Minimal site disturbance will result from the proposed project, preserving approximately 85% of the existing rugged terrain remaining on site.

The addition of a residence and accessory structures 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 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) minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

As mentioned above, a landscape buffer is proposed along the perimeter of the building pad to screen views of the house from the Scenic Corridor. Plant materials include Coast Live Oaks, Pacific Wax Myrtles, California Sycamores, Carrotwood Trees, Strawberry Trees, and Evergreen Pears. 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 close proximity to the home. Exterior terraces, patios and walkways would be paved with stone to blend in with the natural environment and to complement the proposed materials for the home. Outlying portions of the property will be retained in a natural vegetated state. 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 but, as yet, undeveloped site would change the 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 to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including 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) minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

Visual simulations prepared to assess the impact of the project on the scenic corridor demonstrate that the project is 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 Architectural Review Panel reviewed the project on December 9, 2016 and found that the project complies with the Scenic Corridor Development Guidelines. 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 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) minimizing impacts of views from the Scenic Corridor by and minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

While the project would introduce night light into an area that is generally not illuminated, the project 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 85% 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 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) minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

As mentioned above, a robust landscape buffer is proposed along the perimeter of the building pad to screen views of the project from the Scenic Corridor. Plant materials include Coast Live Oaks, Pacific Wax Myrtles, California Sycamores, Carrotwood Trees, Strawberry Trees, and Evergreen Pears. New Coast Live Oak trees will be planted to complement existing oak trees on the site. The landscape plan places emphasis on hardscape, patios, and decks in close proximity to the home, with outlying portions of the property to be retained in their natural state. Exterior terraces, patios and walkways would be paved with 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 8,993 sq. ft. single-family residence with a 1,209 sq. ft. basement, an 822 sq. ft. detached garage, a 1,059 sq. ft. detached gym, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot. No signs are proposed. The two properties to the west of the subject site are identically zoned (HM) and sized (5-acre lots); and like the subject parcel, have certified building pads that were constructed in 1991. They are both zoned for and allow the same uses as the subject property (single-family residences), and are subject to the same development standards as the proposed project. Construction of an approved single-family home is currently underway on the westernmost of these two parcels. That project includes a 7,633 square-foot house, with a 1,320 square-foot basement, 661 square-foot garage, and a pool and spa. It has an approved FAR of 0.05. In comparison, the proposed project has a FAR of 0.057, making it comparable in scale to the only other approved project in the subdivision. The proposed new residence on the adjoining neighboring lot includes a 7,225 sq. ft. single-family residence with a 1,234 sq. ft. basement, an 980 sq. ft. detached garage, a 1,057 sq. ft. detached gym, a 440 square-foot pool cabana, and an in-ground swimming pool, with a proposed FAR of 0.057, identical to the 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.

To the north, the project abuts an antiquated residential subdivision (the Calabasas Highlands) consisting of small lots averaging approximately 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 ((another antiquated subdivision), 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. FARs for homes in the Calabasas Highlands and Old Topanga communities range from 0.11 to 0.41, with an average of 0.36 – almost seven times greater than the proposed project's gross FAR of 0.05. Staff also calculated the average gross FAR of twenty-four existing homes located on HM-zoned properties along Mulholland Highway and Dry Canyon Cold Creek. The average FAR for these twenty-four homes is 0.068; 20% greater than the proposed project's gross FAR of 0.057.

Additionally, the use of earth-tone colors, wood siding, and stone cladding will contribute to the blending of the home into the natural hillside, and the use of robust 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, the proposed structures, site work, grading and landscaping are compatible in use, design, appearance, and scale with existing buildings in the surrounding area and 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 finding is 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 oak trees. However, construction of the home's hardscape would result in an encroachment into the protected zone of one oak tree, identified as Tree #32, which is adjacent to the development envelope of the proposed residence. The area of

hardscape proposed within the protected zone of the tree is less than 1% of the area of the protected zone. No scrub oak removal or encroachment is anticipated.

For the purposes of fuel modification, the County of Los Angeles Fire Department may require pruning of the lower limbs of the on-site oak trees and deadwood removal. Any pruning of oak trees or deadwood removal required for fuel modification will be conducted under the supervision of the applicant's arborist. Furthermore, although scrub oak removal is not anticipated, should the Fire Department require any scrub oak removals for fuel modification purposes, the applicant is required to mitigate for the loss of that scrub oak.

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 minimization of any potential adverse impacts to Tree #32 and scrub oak, the applicant shall comply with all of the arborist's recommendations provided in the Oak Tree Report. Therefore, the proposed project meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No. 160002981 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, and oak tree permit or the activities conducted pursuant to these permits. Accordingly, to the fullest extent permitted by law, Kristine Andraeasyan, 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, and oak tree permit or the activities conducted pursuant to these permits. Kristine Andraeasyan 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 March 9, 2017.
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. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015

California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Community Development or his/her designee.

8. All landscaping is to be installed within 90 days of final Building and Safety inspection and approval 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, and with the California State MWELo requirements.
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. 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.
19. Prior to any final occupation and use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
20. 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.

Community Development Department/Oak Trees and Scrub Oak

21. 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.
22. Copies of the Oak Tree Report shall be kept on-site during all construction and shall be available to any inspector or other City official upon request.
23. 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.
24. 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.
25. 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.

26. 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.
27. 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 Applicant's arborist shall be notified at least 48-hours prior to the installation of the protective fencing in order to supervise its proper installation and make sure the trees and vegetation are protected. 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.
28. 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, continued health of any pruned or re-planted oak trees, and continued health of any planted mitigation oak trees. 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.
29. 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.
30. In the event that scrub oak removal may be required by the Los Angeles County Fire Department for fuel modification purposes, mitigation shall be provided for the habitat impacted at a 1:1 ratio at an on-site or off-site location approved by the City as mitigation. 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. Furthermore, the Applicant shall submit an oak tree mitigation plan to the Planning Division and obtain approval prior to issuance of a Certificate of Occupancy. Alternatively (and subject to approval by the Director), the project applicant/owner may contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.

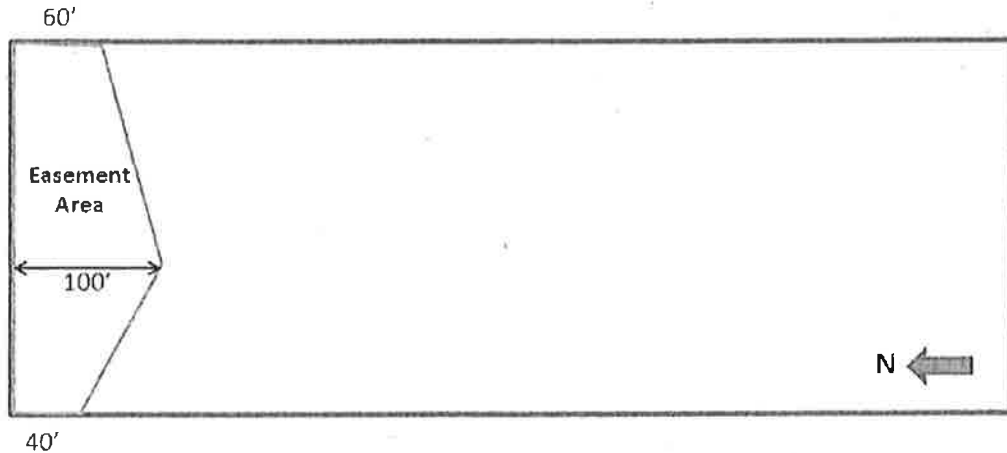
31. No activity, such as equipment or building material storage, deposit of debris and trash, or vehicle or trailer parking, shall be allowed within the protected zones of any oak tree at any time.
32. Any oak tree pruning approved by the Planning Division prior to commencement of work shall be executed only after notification of the oak tree consultant and the City.
33. 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.
34. 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.
35. 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.
36. Applicant shall comply with all recommendations made in the September 21, 2016 Oak Tree Report and associated addendum (dated February 27, 2017).

Community Development Department/Air Quality

37. Applicant shall use Tier 4 construction equipment or equipment that is certified to meet or exceed the Tier 4 emission standards.
38. Applicant shall implement low (10 gram per liter (g/l) or less) VOC coatings for all interior surfaces and would be required to use the lowest g/l coating available for all exterior coating types used.

Community Development Department/Trail

39. Applicant shall grant to the City of Calabasas an easement for the purposes of maintaining a public hiking trail within an area of approximately 20,831 square-feet located within the northern 1/10th of the subject property. The trail easement area is trapezoidal in shape and extends southward from the north property line approximately 40 feet at the western property line, and approximately 60 feet at the eastern property line. Also, at a location approximately 116 feet east of the west property line, the easement area will extend southward from the north property line by approximately 100 feet (see image below). Said trail easement to be accepted by the City and recorded prior to the issuance of building permits. The legal description and language of the proposed easement shall be subject to City approval.



Community Development Department/Building and Safety

- 40. Swimming pool barriers shall be provided per 2016 California Building Code.
- 41. The project shall comply with all provisions of the 2016 California Building Code regarding exiting area.
- 42. 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:

- 43. The applicant shall install a mailbox and posts (or "gang" mailbox if deemed necessary) per U.S. Postal Service requirements and standards. Secure approval of location from the U.S. Postal Service prior to installation.
- 44. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
- 45. The driveway improvements on Old Topanga Canyon Road shall be in full compliance with the City's driveway and site access policy as set forth in the City Municipal Code, and also in a manner that will allow full conformance with American's with Disabilities Act.

GRADING AND GEOTECHNICAL:

46. 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 final approved geotechnical reports and addendums, 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.
47. 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.
48. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
49. 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.
50. 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.
51. 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.

52. 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.
53. Prior to Issuance of a Grading Permit, the geotechnical consultant should review and approve the location and results of final percolation testing.
54. 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).
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.

60. 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.
61. 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.
62. 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.**
63. 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.
64. 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:

65. 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.

66. 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.
67. 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.
68. 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:

69. 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.
70. 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.

TRAFFIC:

- 71. The applicant or 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.
- 72. 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 SPECIAL CONDITIONS:

- 73. The applicant shall provide additional ingress/egress easement(s) to accommodate alignment of the access driveway. Proof of recordation shall be provided to Public Works prior to the Issuance of a Building Permit.
- 74. Construction activity and traffic control shall be staged such that vehicular access to adjacent lots is maintained at all times.

Public Works Department/Environmental Services Division

- 75. 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.

- 76. 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.


77. 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.
78. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
79. 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.
80. 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

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

Section 5. All documents described in Section 1 of PC Resolution No. 2017-642 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2017-642 PASSED,
APPROVED AND ADOPTED this 16th day of March, 2017.




John Mueller
Chairperson

ATTEST:



Thomas Bartlett, AICP
City Planner

APPROVED AS TO FORM:



Matthew Summers
Assistant City Attorney

Planning Commission Resolution No. 2017-642, was adopted by the Planning Commission at a regular meeting held March 16, 2017, and that it was adopted by the following vote:

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

NOES: None

ABSENT: Commissioner Roseman

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.”

P.C. RESOLUTION NO. 2017-643

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. 160003021, INCLUSIVE OF (1) A SITE PLAN REVIEW; (2) AN OAK TREE PERMIT; AND (3) A SCENIC CORRIDOR PERMIT TO ALLOW FOR CONSTRUCTION OF A 7,225 SQ. FT. SINGLE-FAMILY RESIDENCE WITH A 1,234 SQ. FT. BASEMENT, AN 980 SQ. FT. DETACHED GARAGE, A 1,057 SQ. FT. DETACHED GYM, A 440 SQUARE-FOOT POOL CABANA, AND AN IN-GROUND SWIMMING POOL ON A PREVIOUSLY GRADED AND CERTIFIED BUILDING PAD ON AN EXISTING LEGAL 5-ACRE LOT LOCATED AT 3111 OLD TOPANGA CANYON ROAD (APN 2072-023-014) WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND SCENIC CORRIDOR (SC) OVERLAY ZONE.

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 hearing held on March 16, 2017 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, 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 Initial Study prepared by the City's environmental consultant, Environmental Science Associates (ESA).
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. 160003021 on September 20, 2016.
2. The project was reviewed by the Development Review Committee on October 18, 2016 and by the Architectural Review Panel on December 9, 2016.
3. Revised plans were submitted on the following dates: November 14, 2016 and January 17, 2017.
4. On February 6, 2017, the application was deemed complete and the applicant was notified.
5. On February 14, 2017, story poles were erected on the subject property to represent a general outline of the proposed structures, consistent with the City's Story Pole Procedures.
6. A noticed public hearing was held on March 16, 2017.
7. Notices of the March 16, 2017 Planning Commission public hearing 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 March 16, 2017 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 were mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
9. Notice of Planning Commission public hearing 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 and based on the following 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 and accessory structures 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 87.2% 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 (west) property line, 116 feet from the rear (east) property line, 447.2 feet from the northern side property line, and 91 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 buildings range in height from 9.5 feet to 25 feet above grade, 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 CMC Section 17.20.150 (Hillside and Ridgeline Development). The project meets the established 50-foot ridgeline setback standard set out in Section 17.20.150.C.2 of the Code. The project has also achieved other goals of the City's Hillside ordinance such as: (1) including plantings along the slope side of development to screen and soften the architecture; (2) preserving ridgeline views; (3) incorporating medium to dark colors that blend with the natural environment; (4) incorporating an architectural style and materials that are compatible with the natural setting; and (5) varying the height of structures between 9.5 and 25 feet so as not to appear excessively tall. Therefore, the proposed project meets this finding.

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

The General Plan designation for the subject property is Hillside Mountainous (HM). The proposed project consists of construction of a 7,225 sq. ft. single-family residence with a 1,234 sq. ft. basement, an 980 sq. ft. detached garage, a 1,057 sq. ft. detached gym, a 440 square-foot pool cabana, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot located at 3111 Old Topanga Canyon Road. Approximately 87% 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 unofficial trail, 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. Future development is to be 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 multiple design strategies (including building orientation, building articulation, earth-toned exterior materials and colors, and landscape) to blend the structure into the natural environment to the fullest extent feasible and to provide a high-quality design. Accordingly, 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, to include the natural environment; (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 and landscaping; (6) Policy IX-14, which promotes lower level lighting/illumination through implementation of the City's Dark Skies ordinance; and (7) Policy IX-

16, which requires integration of sustainable practices into the design of developments, including site planning, building form, materials and landscaping.

By developing on the existing, graded pad, this proposal is in conformance with 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, based on the foregoing, the proposed project is in compliance with the Calabasas 2030 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 use of colors and materials consistent with the natural color palette and the installation of robust landscape palette (including screening trees and drought-tolerant native plants and shrubs) will reduce the impact of the home when viewed from the scenic corridor. Visual simulations prepared to assess the impact of the project on the scenic corridor demonstrate that the project is consistent with the City's development guidelines for scenic corridors, including those that pertain to minimization of grading, as well as scale, coloration, and landscape screening. 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);*

The subject project proposes development of a single-family home on a previously subdivided and graded property zoned for that use, fully conformant with the policies of the adopted Calabasas 2030 General Plan, and adherent to the development standards applicable to the project as promulgated under Title 17 of the Calabasas Municipal Code; accordingly, the project is exempt from the requirements for environmental review, consistent with sections 21083 and 21084 of the California Environmental Quality Act (CEQA) and sections 15061 and 15303 (Categorical Exemption, Class 3, One Single-family Residence in a Residential Zone) of the CEQA Guidelines.

Furthermore, an Initial Study was prepared, in accordance with Section 15063 of the CEQA Guidelines, to determine if the project may have a significant effect on the environment. Based upon the facts, analyses, and findings contained in the Initial Study, there is no substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant impact on the environment; and, the exceptions to exemptions provided in section 15300.2 of the CEQA Guidelines do not apply. A Notice of Exemption

will be filed for the project, consistent with CEQA Guidelines Section 15062. Therefore, the proposed project meets this finding.

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

The proposed project consists of construction of a 7,225 sq. ft. single-family residence with a 1,234 sq. ft. basement, an 980 sq. ft. detached garage, a 1,057 sq. ft. detached gym, a 440 square-foot pool cabana, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot. The two properties on either side of the subject site are identically zoned (HM) and sized (5-acre lots); and like the subject parcel, have certified building pads that were constructed in 1991. They are both zoned for and allow the same uses as the subject property (single-family residences), and are subject to the same development standards as the proposed project. Construction of an approved project is currently underway on the site to the west of the subject site. That project includes a 7,633 square-foot house, with a 1,320 square-foot basement, 661 square-foot garage, and a pool and spa. It has an approved FAR of 0.05. In comparison, the proposed project has a FAR of 0.057, making it comparable in scale to the only other approved project in the subdivision. The proposed new residence on the adjoining neighboring lot includes a 8,993 sq. ft. single-family residence with a 1,209 sq. ft. basement, an 822 sq. ft. detached garage, a 1,059 sq. ft. detached gym, and an in-ground swimming pool, and like the proposed project, has an FAR of 0.57. 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.

To the north, the project abuts an antiquated residential subdivision (the Calabasas Highlands) consisting of small lots averaging approximately 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 ((another antiquated subdivision), 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. FARs for homes in the Calabasas Highlands and Old Topanga communities range from 0.11 to 0.41, with an average of 0.36 – almost seven times greater than the proposed project's gross FAR of 0.057. Staff also calculated the average gross FAR of twenty-four existing homes located on HM-zoned properties along Mulholland

Highway and Dry Canyon Cold Creek. The average FAR for these twenty-four homes is 0.068; 20% greater than the proposed project's gross FAR of 0.057.

Additionally, the use of earth-tone colors, wood siding, meadow roofs, "living walls," and stone cladding will contribute to the blending of the home into the natural hillside, 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, the proposed project is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and*

The proposed project consists of construction of a 7,225 sq. ft. single-family residence with a 1,234 sq. ft. basement, an 980 sq. ft. detached garage, a 1,057 sq. ft. detached gym, a 440 square-foot pool cabana, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot. The project site is a previously disturbed parcel, which has an existing, graded building pad approximately 46,500-square-feet in size. The footprint of the proposed structure would cover approximately 7,243 square-feet of the site, for a site coverage of 3.83%; and the total floor area proposed results in a FAR calculation of 0.057 (based on a net site area of 4.37 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 87.3% 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 (west) property line, 116 feet from the rear (east) property line, 447.2 feet from the northern side property line, and 91 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 9.5 feet to 25 feet, 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 and certified building pad and will utilize an existing driveway, and existing underground utility lines. The graded building pad and the existing concrete driveway are the only significantly disturbed portions of the property, while the remainder of the property remains in a natural state. Minimal site disturbance will result from the proposed project, preserving approximately 87% of the existing rugged terrain remaining on site.

The addition of a residence and accessory structures 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 wood siding, "living" walls, meadow roofs, and natural colored stone veneer; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

As mentioned above, a landscape buffer is proposed along the perimeter of the building pad to screen views of the house from the Scenic Corridor. Plant materials include Coast Live Oaks, California Sycamores, and Strawberry Trees. 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 close proximity to the home. Exterior terraces, patios and walkways would be paved with stone to blend in with the natural environment and to complement the proposed materials for the home. Outlying portions of the property will be retained in a natural vegetated state. 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 but, as yet, undeveloped site would change the 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 to scenic vistas. These include: (a) the use of

architectural colors and materials similar to the natural surrounding environment, including wood siding, "living" walls, meadow roofs, and natural colored stone veneer; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

Visual simulations prepared to assess the impact of the project on the scenic corridor demonstrate that the project is 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 Architectural Review Panel reviewed the project on December 9, 2016 and found that the project complies with the Scenic Corridor Development Guidelines. 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 wood siding, "living walls", meadow roofs, and natural colored stone veneer; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) minimizing impacts of views from the Scenic Corridor by and minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

While the project would introduce night light into an area that is generally not illuminated, the project 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 87% 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 wood siding, "living" walls, meadow roofs, and natural colored stone veneer; (b) the addition of landscape buffers to screen views of the home from Old Topanga Canyon Road; and (c) minimizing impacts of views from the Scenic Corridor by breaking up the massing of the buildings.

As mentioned above, a robust landscape buffer is proposed along the perimeter of the building pad to screen views of the project from the Scenic Corridor. Plant materials include Coast Live Oaks, California Sycamores, and Strawberry Trees. New Coast Live Oak trees will be planted to complement existing oak trees on the site. The landscape plan places emphasis on hardscape, patios, and decks in close proximity to the home, with outlying portions of the property to be retained in their natural state. Exterior terraces, patios and walkways would be paved with 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 7,225 sq. ft. single-family residence with a 1,234 sq. ft. basement, an 980 sq. ft. detached garage, a 1,057 sq. ft. detached gym, a 440 square-foot pool cabana, and an in-ground swimming pool on a previously graded and certified building pad on an existing legal 5-acre lot. The two properties on either side of the subject site are identically zoned (HM) and sized (5-acre lots); and like the subject parcel, have certified building pads that were constructed in 1991. They are both zoned for and allow the same uses as the subject property (single-family residences), and are subject to the same development standards as the proposed project. Construction of an approved project is currently underway on the site to the west of the subject site. That project includes a 7,633 square-foot house, with a 1,320 square-foot basement, 661 square-foot garage, and a pool and spa. It has an approved FAR of 0.05. In comparison, the proposed project has a FAR of 0.057, making it comparable in scale to the only other approved project in the subdivision. The proposed new residence on the adjoining neighboring lot includes a 8,993 sq. ft. single-family residence with a 1,209 sq. ft. basement, an 822 sq. ft. detached garage, a 1,059 sq. ft. detached gym, and an in-ground swimming pool, and like the proposed project, has an FAR of 0.57. 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.

To the north, the project abuts an antiquated residential subdivision (the Calabasas Highlands) consisting of small lots averaging approximately 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 ((another antiquated subdivision), 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. FARs for homes in the Calabasas Highlands and Old Topanga communities range from 0.11 to 0.41, with an average of 0.36 – almost seven times greater than the proposed project's gross FAR of 0.057. Staff also calculated the average gross FAR of twenty-four existing homes located on HM-zoned properties along Mulholland Highway and Dry Canyon Cold Creek. The average FAR for these twenty-four homes is 0.068; 20% greater than the proposed project's gross FAR of 0.057.

Additionally, the use of earth-tone colors, wood siding, meadow roofs, "living walls," and stone cladding will contribute to the blending of the home into the natural hillside, 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, the proposed project is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and 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 finding is 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 oak trees. Furthermore, no grading is proposed within the protected zones of the oak trees. There are scrub oaks near the proposed driveway that may potentially be encroached upon. If it is not possible to avoid this encroachment, any encroachment or removal shall be mitigated by planting new scrub oaks.

For the purposes of fuel modification, the County of Los Angeles Fire Department may require pruning of the lower limbs of the on-site oak trees and deadwood removal. Any pruning of oak trees or deadwood removal required for fuel modification will be conducted under the supervision of the applicant's arborist. Furthermore, should the Fire Department require any scrub oak removals for fuel modification purposes, the applicant is required to mitigate for the loss of that scrub oak.

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 minimization of any potential adverse impacts to oak trees and scrub oak, the applicant shall comply with all of the arborist's recommendations provided in the Oak Tree Report. Therefore, the proposed project meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No. 160003021 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, and oak tree permit or the activities conducted pursuant to these permits. Accordingly, to the fullest extent permitted by law, Vardan Sarkisov 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, and oak tree permit or the activities conducted pursuant to these permits. Vardan Sarkisov 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 March 9, 2017.
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. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff

for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Community Development or his/her designee.

8. All landscaping is to be installed within 90 days of final Building and Safety inspection and approval 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, and with the California State MWELo requirements.
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. 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.
19. Prior to any final occupation and use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
20. 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.

Community Development Department/Oak Trees and Scrub Oak

21. 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.
22. Copies of the Oak Tree Report shall be kept on-site during all construction and shall be available to any inspector or other City official upon request.
23. 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.
24. 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.
25. 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.

26. 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.
27. 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 Applicant's arborist shall be notified at least 48-hours prior to the installation of the protective fencing in order to supervise its proper installation and make sure the trees and vegetation are protected. 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.
28. 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, continued health of any pruned or re-planted oak trees, and continued health of any planted mitigation oak trees. 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.
29. 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.
30. In the event that scrub oak removal may be required by the Los Angeles County Fire Department for fuel modification purposes, mitigation shall be provided for the habitat impacted at a 1:1 ratio at an on-site or off-site location approved by the City as mitigation. 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. Furthermore, the Applicant shall submit an oak tree mitigation plan to the Planning Division and obtain approval prior to issuance of a Certificate of Occupancy. Alternatively (and subject to approval by the Director), the project applicant/owner may contribute the equivalent Product Replacement Cost (PRC) to the City Oak Tree Mitigation Fund.

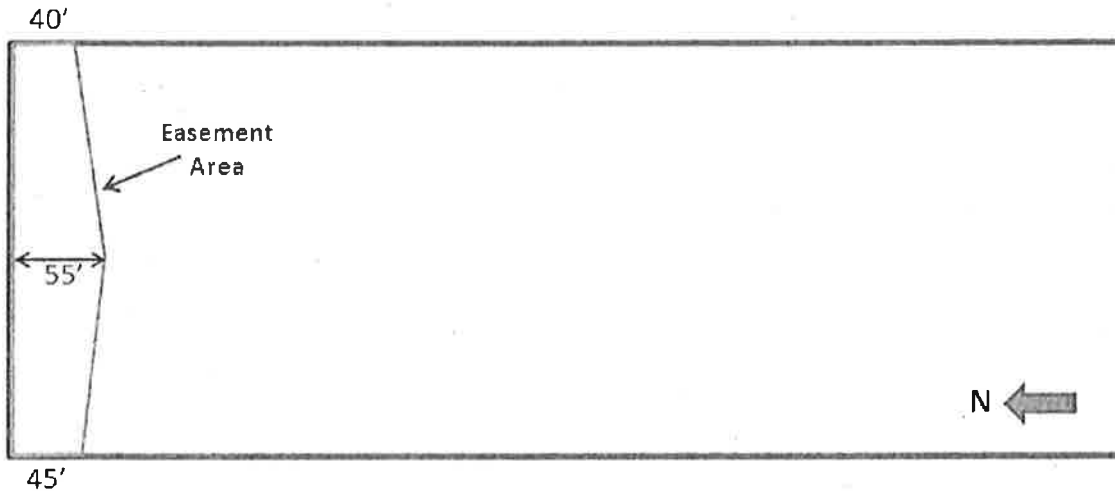
31. No activity, such as equipment or building material storage, deposit of debris and trash, or vehicle or trailer parking, shall be allowed within the protected zones of any oak tree at any time.
32. Any oak tree pruning approved by the Planning Division prior to commencement of work shall be executed only after notification of the oak tree consultant and the City.
33. 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.
34. 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.
35. 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.
36. Applicant shall comply with all recommendations made in the September 21, 2016 Oak Tree Report and associated addendum (dated February 27, 2017).

Community Development Department/Air Quality

37. Applicant shall use Tier 4 construction equipment or equipment that is certified to meet or exceed the Tier 4 emission standards.
38. Applicant shall implement low (10 gram per liter (g/l) or less) VOC coatings for all interior surfaces and would be required to use the lowest g/l coating available for all exterior coating types used.

Community Development Department/Trail

39. Applicant shall grant to the City of Calabasas an easement for the purposes of maintaining a public hiking trail within an area of approximately 13,458 square-feet located within the northern 1/10th of the subject property. The trail easement area is trapezoidal in shape and extends southward from the north property line approximately 45 feet at the western property line, and approximately 40 feet at the eastern property line. Also, at a location approximately 150 feet east of the west property line, the easement area will extend southward from the north property line by approximately 55 feet (see image below). Said trail easement to be accepted by the City and recorded prior to the issuance of building permits. The legal description and language of the proposed easement shall be subject to City approval.



Community Development Department/Building and Safety

- 40. Swimming pool barriers shall be provided per 2016 California Building Code.
- 41. The project shall comply with all provisions of the 2016 California Building Code regarding exiting area.
- 42. 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:

- 43. The applicant shall install a mailbox and posts (or "gang" mailbox if deemed necessary) per U.S. Postal Service requirements and standards. Secure approval of location from the U.S. Postal Service prior to installation.
- 44. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
- 45. The driveway improvements on Old Topanga Canyon Road shall be in full compliance with the City's driveway and site access policy as set forth in the City Municipal Code, and also in a manner that will allow full conformance with American's with Disabilities Act.

GRADING AND GEOTECHNICAL:

46. 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 final approved geotechnical reports and addendums, 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.
47. 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.
48. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
49. 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.
50. 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.
51. 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.

52. 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.
53. Prior to Issuance of a Grading Permit, the geotechnical consultant should review and approve the location and results of final percolation testing.
54. 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).
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.

60. 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.
61. 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.
62. 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.**
63. 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.
64. 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:

65. 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.

66. 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.
67. 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.
68. 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:

69. 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.
70. 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.

TRAFFIC:

71. The applicant or 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.
72. 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 SPECIAL CONDITIONS:

73. Construction activity and traffic control shall be staged such that vehicular access to adjacent lots is maintained at all times.

Public Works Department/Environmental Services Division

74. 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.

75. 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.

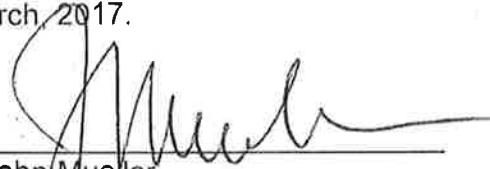
76. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
77. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
78. 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.
79. 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

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

Section 5. All documents described in Section 1 of PC Resolution No. 2017-643 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2017-643 PASSED, APPROVED AND ADOPTED this 16th day of March, 2017.




John Mueller
Chairperson

ATTEST:



Thomas Bartlett, AICP
City Planner

APPROVED AS TO FORM:



Matthew Summers
Assistant City Attorney

Planning Commission Resolution No. 2017-643, was adopted by the Planning Commission at a regular meeting held March 16, 2017, and that it was adopted by the following vote:

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

NOES: None

ABSENT: Commissioner Roseman

ABSTAINED: None

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





CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: APRIL 16, 2018

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:  MAUREEN TAMURI, COMMUNITY DEVELOPMENT DIRECTOR
MICHAEL KLEIN, SENIOR PLANNER **

SUBJECT: CONSIDERATION OF RESOLUTION NO. 2018-1583 AND RESOLUTION NO. 2018-1586 APPROVING FILE NO. 170000993, AN APPLICATION, INCLUSIVE OF A SITE PLAN REVIEW, OAK TREE PERMIT, LOT MERGER AND SUMMARY STREET VACATION TO MERGE FIVE LOTS INTO ONE 26,460 SQUARE-FOOT LOT AND CONSTRUCT A NEW 2,840 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH A TWO-CAR ATTACHED GARAGE LOCATED AT 23742 FERN TRAIL (APN 2072-018-022), WITHIN THE RURAL COMMUNITY (RC) ZONING DISTRICT, AND CALABASAS HIGHLANDS (CH) OVERLAY ZONE. THE PLANNING COMMISSION RECOMMENDED THAT THE CITY COUNCIL APPROVE THE PROJECT AND FOUND THAT THE PROPOSED SUMMARY STREET VACATION IS CONSISTENT WITH THE GENERAL PLAN AT ITS APRIL 5, 2018 MEETING.

MEETING DATE: APRIL 25, 2018

SUMMARY RECOMMENDATION:

That the City Council adopt Resolution No. 2018-1583 (Attachment A) approving a Site Plan Review, Oak Tree Permit and Lot Merger; and adopt Resolution No. 2018-1586 (Attachment B) vacating a portion of Fern Trail, presently disconnected from the public street system, associated with File No. 170000993.

BACKGROUND:

On August 7, 2017, the applicant submitted an application seeking permission to construct a new single-family residence on a vacant property located at 23742 Fern Trail (APN 2072-018-022), within the Rural Community (RC) zoning district and Calabasas Highlands (CH) overlay zone. The proposed project was reviewed by the Development Review Committee (DRC) on September 5, 2017, and comments were forwarded to the applicant. The Architectural Review Panel (ARP) reviewed the project on September 15, 2017. The Panel recommended approval of the design with minor modifications. Having addressed all City and outside agency comments, the application was deemed complete on February 20, 2018.

On April 5, 2018, the Planning Commission reviewed the project at a noticed public hearing. After review and discussion, the Planning Commission voted 5-0 to adopt Resolution No. 2018-660 (see Attachment C) recommending to City Council approval of File No. 170000993.

DISCUSSION/ANALYSIS:

A detailed analysis of the project is provided in the Planning Commission Staff Report attached as Attachment D. The following is a brief summary of the associated project permits, for which Council approval is requested to render a decision on.

A **Site Plan Review** is required to construct a new single-family residence in the Calabasas Highlands Overlay Zone (Section 17.62.020 of the CMC).

An **Oak Tree Permit** is required to encroach into the protected zone of one (1) scrub oak and the removal of four (4) scrub oaks.

A **Lot Merger** is required to merge five (5) lots into one (1).

A **Summary Street Vacation** is required to vacate a portion of Fern Trail and a 15-foot wide street easement, both presently disconnected from the public street system.

REQUIRED FINDINGS:

The findings required in Section 17.62 of the Calabasas Municipal Code for a Site Plan Review, Oak Tree Permit and Lot Merger are contained in the City Council Resolution No. 2018-1583 attached as Attachment A and the required findings for a Summary Street Vacation are contained in City Council Resolution No. 2018-1586 attached as Attachment B.

CONDITIONS OF APPROVAL:

See conditions contained in City Council Resolution No. 2018-1583, attached as Attachment A.

ENVIRONMENTAL REVIEW:

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (new construction of one single-family residence), 15304 (minor alterations of land), and 15332 (in-fill development) of the California CEQA Guidelines.

FISCAL IMPACT/SOURCE OF FUNDING:

None.

REQUESTED ACTION:

Staff recommends that City Council adopt Resolution No. 2018-1583 approving a Site Plan Review, Lot Merger and Oak Tree Permit associated with File No. 170000993; and adopt City Council Resolution No. 2018-1586 approving a Summary Street Vacation of a portion of Fern Trail associated with File No. 170000993.

EXHIBITS:

- Attachment A: City Council Resolution No. 2018-1583
- Attachment B: City Council Resolution No. 2018-1586
- Attachment C: Planning Commission Resolution No. 2018-660
- Attachment D: Planning Commission Staff Report and Exhibits
- Attachment E: Public Correspondence

CITY COUNCIL RESOLUTION NO. 2018-1583

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS APPROVING FILE NO. 170000993, A SITE PLAN REVIEW, OAK TREE PERMIT, LOT MERGER AND SUMMARY STREET VACATION TO MERGE FIVE LOTS INTO ONE 26,460 SQUARE-FOOT LOT AND CONSTRUCT A NEW 2,840 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH A TWO-CAR ATTACHED GARAGE LOCATED AT 23742 FERN TRAIL (APN 2072-018-022), WITHIN THE RURAL COMMUNITY (RC) ZONING DISTRICT, AND CALABASAS HIGHLANDS (CH) 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 prepared by the Community Development Department;
2. Staff presentation at the public hearing held on April 25, 2018, before the City Council;
3. Staff presentation at the public hearing held on April 5, 2018, before the Planning Commission;
4. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes;
5. 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;
6. 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;
7. All related documents received and/or submitted at or prior to the public hearing; and
8. Planning Commission Resolution No. 2018-660 recommending approval of the project (File No. 170000993) to the City Council.

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

1. The applicant submitted an application for File No. 170000993 on August 7, 2017.
2. On September 5, 2017, the Development Review Committee reviewed the application.
3. On September 6, 2017, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.

4. On September 15, 2017, the Architectural Review Panel reviewed the project and recommended approval of the design to the Planning Commission.
5. On February 20, 2018, the application was deemed complete and the applicant was notified.
6. On April 5, 2018, the Planning Commission reviewed the project at a public hearing and voted 5-0 to adopt Resolution No. 2018-660, finding that the proposed Summary Street Vacation is consistent with the Calabasas 2030 General Plan, and recommending to the City Council approval of File No. 170000993.
7. Notice of the April 25, 2018, 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, at least ten (10) days prior to the hearing.
8. Notice of the April 25, 2018, City Council public hearing was mailed or delivered to the project applicant at least ten (10) days prior to the hearing.
9. Notice of the April 25, 2018, City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market, Agoura/Calabasas Community Center and at Calabasas City Hall
10. Notice of the City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
11. The project site is zoned Rural Community (RC) and Calabasas Highlands (CH) overlay zone.
12. The land use designation for the project site under the City's adopted General Plan is Rural Community (RC).
13. The surrounding land uses around the subject property to the east, west and north are zoned Rural Community (RC) and Calabasas Highlands (CH) overlay zone. The land to the south is zoned Open-Space by LA County.

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

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;*

Single-family housing and ancillary uses are allowed in the Rural Community (RC) zoning district and Calabasas Highlands (CH) overlay zoning district, pursuant to section 17.11 of the CMC. The subject site is currently undeveloped and is surrounded by single-family homes of similar size and scale to the proposed project. The proposed project meets all applicable development standards for the RC and CH zoning districts

as documented in the Technical Appendix of the Planning Commission Staff Report. Therefore, the proposed project meets this finding.

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

The proposed project meets this finding because the General Plan land use designation for this property is Rural Community (RC), and single-family residential land uses are consistent with this land use designation. The proposed project has been designed to meet the goals and objectives of the Open Space and Conservation Elements of the General Plan, by concentrating development on the pre-disturbed, bare portions of the site and leaving approximately 80% of the site undisturbed, including 94% of the property's scrub oak habitat. Furthermore, by consolidating five substandard lots into one, the proposed project meets the goals and objectives of the Community Design Element for the South Mulholland neighborhood, which encourages the retirement of development rights on substandard lots (General Plan Policy IX-42). Additionally, there are no specific or master plans applicable to this parcel.

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

The proposed project is exempt from CEQA pursuant to Section 15303 (New Construction) of the CEQA Guidelines, which exempts the construction of up to three single-family homes in a residential zone; and Section 15332 (In-fill Development Projects) of the Guidelines, which exempts in-fill development projects consistent with the General Plan, occurring on a project site with no more than five acres, and surrounded by urban uses. Given that the proposed project consists of constructing only one single-family residence on an in-fill lot within an established single-family neighborhood, the proposed project meets this finding.

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

The Calabasas Highlands is a residential neighborhood developed with a mix of one-, two- and three-story homes in a variety of architectural styles. The Modern architectural style of the proposed home will blend in with the existing community. Furthermore, the average size of surrounding homes on Fern Trail is 3,087 square feet; at 2,820 square feet, the size of the proposed home is smaller than the surrounding homes and consistent with the Calabasas Highlands overlay zone requirements (3,500 square feet maximum allowed), which were adopted to ensure that new development is appropriately scaled for the existing neighborhood. Given these conditions, the proposed project is compatible with surrounding uses and development 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 proposed single-family residence is required to comply with site coverage standards provided in Section 17.13.020 of the CMC, as well as landscaping standards in Section 17.26.040 of the CMC. The site coverage of the proposed project is 8%, which complies with the maximum allowed 35% CMC requirement. The project also provides 77% permeable area and landscaping, which complies with the minimum CMC requirement of 65% permeable surfaces. Furthermore, with a gross lot size of 28,995 square feet, the proposed house has a floor area ratio of 0.12 based on the gross lot size, and is proportionately smaller than most of the other homes along Fern Trail, which range in floor area ratio (based on gross lot size) from 0.16 to 0.21. Consistent with Policy IX-40 of the General Plan, the proposed single-family residence complies with all development standards of the Calabasas Highlands overlay zone. Therefore, the proposed project meets this finding.

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

The proposed residence was designed and situated to comply with all applicable development code standards and be compatible with existing homes in the community. Proposed earth tone colors, rustic building elements, and landscaping will serve to integrate the subject site with the existing surrounding natural environment to the maximum extent feasible. The applicant has proposed a landscape plan utilizing native and drought tolerant plants that will complement the character of the area. Therefore, the proposed project meets this finding.

Section 17.32.010(E) 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 remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.*

The subject site is made up of five legal lots that range in size from approximately 5,000 square feet to 6,400 square feet. The applicant is proposing to merge the lots into one large lot with a combined lot size of 26,460 square feet. Approximately 5,000 square feet of the subject site has been previously disturbed with remedial grading activities that occurred more than 10 years ago, based on aerial photo graphs. The remaining 21,000 square feet of the subject site is undisturbed and contains non-native and native plants including a predominance of scrub oak habitat. The proposed home has been sighted to minimize impacts to the scrub oak habitat both on and off-site, by utilizing the pre-disturbed areas. However, the soils report states that the existing site should be excavated an additional 2 feet below the proposed finished elevation, with the excavated material to be replaced and re-compacted in order to create a suitable foundation for new construction. This over-excavation would be required for any development of the site. The area of over-excavation includes scrub oaks. As result, the proposed project requires the removal of 4 scrub oaks (total of 44 inches of trunk diameter) in order to accommodate fire department access around the structure. Development of the proposed house is consistent with the other properties

in the surrounding neighborhood that include homes of similar size and yard improvements. Furthermore, the total on-site oak canopy is approximately 15,000 square feet. The proposed removals represent approximately 872 square feet of oak canopy. As a result, 94% of the existing oak canopy will be preserved. Given these circumstances the request to remove 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

2. *The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. In addition, said alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.*

The subject site is made up of five legal lots that range in size from approximately 5,000 square feet to 6,400 square feet. The applicant is proposing to merge the lots into one large lot with a combined lot size of 26,460 square feet. Approximately 5,000 square feet of the subject site has been previously disturbed with remedial grading activities that occurred more than 10 years ago, based on aerial photo graphs. The remaining 21,000 square feet of the subject site is undisturbed and contains non-native and native plants including a predominance of scrub oak habitat. The proposed home has been sighted to minimize impacts to the scrub oak habitat both on and off-site, by utilizing the pre-disturbed areas. However, the soils report states that the existing site should be excavated an additional 2 feet below the proposed finished elevation, with the excavated material to be replaced and re-compacted in order to create a suitable foundation for new construction. This over-excavation would be required for any development of the site. The area of over-excavation includes scrub oaks. As result, the proposed project requires the encroachment into the protected zone of 4 scrub oaks in order to accommodate fire department access around the structure. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Furthermore, the total on-site oak canopy is approximately 15,000 square feet. The proposed encroachment represents less than 100 square feet of oak canopy. Given these circumstances the request to encroach into the protected zone of 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

According to the oak tree report, prepared by Arbor Culture LLC and reviewed by the City's contract arborist, the proposed encroachments will not have a negative impact on the oak trees with proper care during construction. This conclusion has been confirmed by the City's Arborist and the recommendations of the oak tree report are included as conditions of approval in this resolution. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Given these circumstances, the request to encroach into the protected zone of 4 scrub oaks is warranted to enable a

reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

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

According to the oak tree report, most of the subject site, west of the proposed house, is made up of scrub oak habitat. According to aerial photographs, the scrub on-site oak habitat is approximately 15,000 square feet. The proposed project requires the removal of 4 scrub oaks, which represents approximately 872 square feet of oak canopy. As a result, the proposed project would result in the loss of approximately 6% of the existing on-site oak canopy. Therefore, with 94% of the total hardwood canopy being retained, the proposed oak removal will have a minimal impact on the total hardwood canopy. Furthermore, the biological survey determined that there is no presence of nesting birds, Rare, Threatened or Endangered species on the subject site. Given these circumstances, the proposed project meets this finding.

Section 17.44.145 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Lot Merger** provided that the following findings are made:

- 1. The lot merger is consistent with the Subdivision Map Act provisions;*

The proposed lots to be merged are contiguous parcels (lots 6 through 10 of Tract No. 8550) held by the same owner, as required by Section 66451.11 of the Subdivision Map Act. Furthermore, as required by the Subdivision Map Act, the existing lots are undeveloped. None of the existing lots meet the minimum lot size requirement for the RC zoning district, and four of the lots do not meet the minimum lot width. As a result, the current conditions exist as a legal non-conforming status. The proposed lot merger will create a single lot with 26,460 square feet and a lot width of 338 feet. Consequently, the new merged lot will be in significantly greater compliance with the size standards of the CMC and ensures that all development meets required setbacks, lot coverage, floor area ratio and landscape requirements. Given these circumstances, the proposed lot merger meets this finding.

- 2. The lots to be merged at the time of merger are under common ownership;*

The proposed lot merger meets this finding because all five lots are owned by Marcin Jagoda, Andrzej Jagoda and Halina Jagoda, as confirmed by the most current Title Report. Furthermore, the conditions of approval require the applicant to submit a current Title Report to confirm ownership at the time of recordation of the final map.

- 3. The lots as merged will not be deprived of legal access as a result of the merger and access to the adjoining lots will not be restricted by the merger;*

The proposed lot merger meets this finding because the proposed merged lot will have more than 200 feet of frontage along Fern Trail, which is a private driveway. Furthermore, necessary easements have been recorded along Fern Trail to allow for shared access, and maintenance of the driveway by, all abutting property owners.

4. *Lot mergers may only be approved provided that dedications or offers of dedication to be vacated or abandoned by the merger are unnecessary for present or future public use; and*

The proposed lot merger meets this finding because the existing 15-foot wide street easement does not have connectivity with a public right-of-way, and is no longer necessary due to the privatization of Fern Trail via approval of Parcel Map 381-057 in 2012. The proposed lot merger and related summary vacation of the existing street and public right of way easement are consistent with the City's Circulation Element as the existing, undeveloped easement and public right of way are not necessary for public travel, do not connect to the existing public street system, and do not facilitate access to the rest of the Calabasas Highlands.

5. *Lot mergers may only be approved provided that dedications or offers of dedication which are necessary for present or future public use are reserved in the merger.*

The proposed lot merger meets this finding because the site does not contain any dedications or offers of dedication that would be impacted by the proposed lot merger.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council approves File No. 170000993 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this File No. 170000993, or the activities conducted pursuant to this File No. 170000993. Accordingly, to the fullest extent permitted by law, Marcin Jagoda (applicant) and Marcin Jagoda, Andrzej and Halina Jagoda (owners) shall each defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this File No. 170000993, or the activities conducted pursuant to this File No. 170000993. Marcin Jagoda (applicant) and Marcin Jagoda, Andrzej and Halina Jagoda (owner) shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such

amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department

Planning Division:

1. The approval is conditioned upon the City Council approving the Summary Street Vacation as set forth in City Council Resolution No. 2018-1586.
2. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped "Approved" by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field.

Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

4. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
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. 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.
8. Construction Activities:

Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent property owners. The applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

9. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60 watts incandescent or less on residential projects is exempt by the Lighting Ordinance.
10. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such MWELo compliant plans and to the satisfaction of the Director of Community Development or his/her designee.
11. All ground mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof. Roof mounted equipment shall not be allowed.
12. All utilities shall be underground. Overhead utility connection is prohibited.
13. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
14. 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
15. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.

16. The applicant shall submit a final utility plan to the Planning Division for review and approval prior to the issuance of a grading or building permit. The utility plan shall show the location of all existing utilities and routes for connection, as approved by local utility companies, to said utilities.
17. An encroachment permit shall be required for the installation of utilities within the public right-of-way.
18. An oak tree permit shall be required for any utility and/or fire hydrant installation (including trenching) that occurs within the protected zone of an oak tree. The final utility plan shall show all oak trees and corresponding protected zone in the vicinity of the utility installation.
19. Land clearing activities shall only occur during September 30 through January 1. If clearing cannot be accomplished during September 30 through January 1, then a nesting survey shall be conducted by a qualified biologist. Any nest discovered during the survey shall be avoided during construction as directed by a qualified biological monitor who is onsite during land clearing activities.

Oak Trees

20. The applicant is permitted to encroach into the protected zone of 4 scrub oaks, as shown in the Oak Tree Report, dated July 10, 2017.
21. The applicant is permitted to remove the following scrub oaks, as shown in the Oak Tree Report dated July 10, 2017: nos. 21-24 (44 trunk diameter inches of scrub oak).
22. In order to offset the loss of the above mentioned oaks, the applicant shall plant 44 inches in trunk diameter of scrub oak (23 24-inch box oak trees). All mitigation Oak trees shall be planted on-site if feasible. If it is not feasible to plant all mitigation Oak tree on-site, then the applicant shall plant the mitigation trees in a viable off-site location approved by the Community Development Director in consultation with the City Arborist or pay a fee in-lieu of mitigation into the City's Oak Tree Mitigation fund to be used for future mitigation efforts. The applicant shall be responsible for the monitoring and maintenance of the replacement trees for a minimum of five (5) years. If any replacement tree(s) dies during the five-year period, the applicant shall plant new replacement trees and the five-year monitoring period shall begin again from the date of planting for the replacement Oak.
23. Prior to the issuance of a grading or building permit, the applicant shall submit an Oak tree mitigation plan for review and approval by the Community Development Director. The mitigation plan shall include a plan for planting and establishment of mitigation trees, including the size, species and location, and a monitoring and maintenance schedule. The mitigation plan shall be prepared by the project's Oak tree preservation consultant in accordance with the requirements outlined in the City's Oak Tree Prevention and Protection Guidelines.
24. All mitigation work shall be completed and in-lieu fees paid prior to the issuance of a Final Certificate of Occupancy.

25. Prior to the issuance of a grading or building permit, the applicant shall submit a monitoring plan consistent with the applicant's oak tree consultant's recommendations and the City's Oak Tree Preservation and Protection Guidelines for all encroached upon trees. The plan should propose quarterly monitoring of encroached upon trees for an initial period of three years, followed by two additional years of bi-annual monitoring. Any tree that fails as a result of the project shall be replaced. Pruning of any scrub oak shall be prohibited except for fuel modification purposes, and shall be limited to the minimum amount necessary to meet LA County Fire Department requirements. The annual monitoring shall include the status of scrub oaks within the fuel modification zone.
26. Prior to the issuance of a grading or building permit, the applicant shall submit a refundable security deposit (or other surety), in an amount equal to the PRC value of the impacted oak trees plus the cost of planting and possible replacement, to be deposited in trust with the City of Calabasas. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.
27. Copies of the following shall be maintained on the site during any work to or around the oaks: Oak tree report; Oak tree permit, including conditions of approval; City Oak Tree Preservation Guidelines; Oak Tree Ordinance No. 2001-166; and approved oak tree plan, landscape plan and site plan.
28. No chemicals or herbicides shall be applied to the soil surface within 100 feet of an oak tree's aerial/root zone (i.e., root protection zone).
29. Prior to the issuance of a grading permit, the applicant shall submit a copy of the Oak Tree Fencing Plan to the Community Development Director for review and approval. The applicant shall notify the City a minimum of 48 hours prior to the start of any work so that the City may inspect the placement of the Oak tree protective fencing.
30. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
31. The oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.
32. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
33. The area within the protective fencing shall not be used at any time for material or equipment storage and parking.

34. The applicant shall adhere to the specific recommendations contained within the Oak Tree Report dated July 10, 2017, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the above permit conditions. If any work was performed in a manner not in conformance with these conditions of approval then the applicant's oak tree consultant shall identify the instance or instances of a deviation to any of these conditions.

Building and Safety Division:

35. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.

36. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.

37. The project is located within a designated A Very High Fire Hazard Severity Zone, and must comply with the requirements applicable to buildings within that zone imposed by the City and the Los Angeles County Fire Department.

Public Works Department

Environmental Division:

38. 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.

39. 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.
40. Landscape areas should utilize a concave design to capture irrigation runoff and first $\frac{3}{4}$ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the roof and all hardscape areas is directed to landscaped areas.
41. Direct runoff from the driveway toward permeable areas and construct portions of the driveway from porous materials.
42. 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.
43. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street (public or private).
44. 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.
45. 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.

Engineering Division:

Street Improvements

46. 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.

47. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
48. Any proposed roadway improvements shall be approved by the County of Los Angeles Fire Department and the City Engineer prior to the Issuance of a Grading Permit.
49. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's access driveway, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
50. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
51. The applicant shall repair any broken or damaged curb, gutter, or pavement on Fern Trail along the project frontage to the satisfaction of the City Engineer.

Mapping and Related Documents

52. A Parcel Merger shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.
53. Prior to the recordation of a Parcel Map, the applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.
54. The approved Parcel Merger and Summary Street Vacation shall be recorded with the County of Los Angeles prior to the issuance of a Certificate of Occupancy.

Grading, Drainage, and Geotechnical Conditions

55. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the City 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 the proposed residential construction. The plans should include, but not 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, over-excavation requirements contained therein. The plan should include all laterals and utility lines including sewers and water lines. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations. The plans shall be prepared in accordance with the requirements of the City of Calabasas Public Works Department.
56. The plans shall be signed and stamped by geotechnical engineer to verify compliance of grading and foundation plans, including grading notes, with the engineer's recommendations

57. The applicant shall submit a Final Geotechnical Report prepared by a Geotechnical Engineer/Engineering Geologist. The report must specifically address the proposed improvement 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 the City of Calabasas Public Works department standards and requirements.
58. The Final Geotechnical Report shall address slope stability for all local slopes and temporary excavation conditions, any cut/fill conditions of the proposed project, and provide any recommendations necessary for stability and/or protection of vertical cuts. The Report shall provide recommendations specific to the process of slope removal and reconstruction.
59. The Final Geotechnical Report shall address specific requirements for select materials to be utilized for slope construction, including provisions for quality control and material stockpiling, to ensure that constructed condition of on-site fill materials will be consistent with shear strengths of material assumed in the approved engineering analysis.
60. Approved geotechnical/geology reports shall be listed on the grading and foundation plans.
61. The consultant of record shall observe and inspect all excavations and earthwork operations to determine that condition anticipated in the approved report have been encountered and to provide recommendations for corrections and elimination of all geologic hazards associated with the proposed development.
62. A temporary excavation plan shall be prepared to illustrate the removal of the on-site fills and unsuitable soils. The plan shall include the location of keyways, temporary excavations and stockpile locations for import and excavated materials, and should illustrate sequencing of grading, removals and remedial work. The temporary excavation plan shall be submitted to Public Works and reviewed and approved prior to the issuance of a grading permit.
63. 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.
64. 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.
65. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.

66. 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.
67. 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. 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.
68. An as-built report prepared by the geotechnical consultant must be submitted to the City for review. The report must include the results of all compaction tests as well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removals bottoms, and location and elevations of retaining wall backfills and subdrain outlets.
69. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for adjacent retaining walls, slopes and property lines. Provide sections as necessary to clarify the depth and grade relationships of these excavations.
70. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
71. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
72. 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.
73. 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. A detailed design of project retaining walls shall be provided on the project Grading Plan(s) and associated structural drawings. Grading Plan(s) shall clarify locations and limits of retaining walls to be constructed in conjunction with rough grading. Any walls requiring construction during rough grading shall be submitted to Building and Safety Division for review and approval and are subject to the specific approval by the City Engineer. Building and Safety approval shall be obtained prior to issuance of a grading permit.
74. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading and drainage improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage device.

75. 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).
76. 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.
77. 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.
78. Approval of Rough Grading. The project Rough Grade Report, Rough Grade Certification 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, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
79. 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. 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.
80. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide as-built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
81. Final Grade Certification. Prior to Issuance of a Certificate of Occupancy, the applicant shall submit the Final Grade Inspection Verification Form certified by the project Civil Engineer, Geologist/Geotechnical Engineer, and Landscape Architect or property owner. Additional reports may be requested prior to release of Occupancy. The Final Grade Inspection Verification Form shall be reviewed and approved by the City Engineer prior to Issuance of a Certificate of Occupancy for the project.
82. The applicant shall be responsible for the construction and maintenance of the proposed site improvements. A maintenance covenant shall be recorded against the property to ensure that project hardscape and drainage systems are properly maintained. Maintenance

provisions shall be submitted by the applicant and approved by the City of Calabasas Public Works Department. Said covenant shall contain provisions ensuring that proper maintenance is provided in perpetuity for the constructed improvements. Covenant shall additionally include provisions to maintain to reimburse the City for any repair or maintenance effort required of said facilities, as deemed necessary by the City due to failure of the property owners(s) to adhere to the provisions of said covenant. The determination of necessity shall be at the sole discretion of the City.

Utilities

83. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.
84. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.
85. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum lateral connecting proposed single family residence to the existing sewer main subject to the approval of the City Engineer.
86. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVWMD) prior to Issuance of a Building Permit. The applicant shall submit proof of payment of such fees to Public Works prior to the issuance of a Building Permit.

Hydrology and Drainage

87. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q25). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the Capital Flood 50-year bulked and burned storm recurrence interval (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.
88. All drainage devices, pipes, and structures in the approved grading and drainage plan shall be the sole responsibility of the applicant to construct and the applicant shall maintain those devices, pipes and structures located on their property.

89. The applicant shall provide for the proper distribution of surface and subsurface drainage. Historic drainage patterns shall be maintained. Any drainage that is concentrated shall be properly dispersed in accordance with the hydrology/drainage study required herein.
90. 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. The Applicant shall design the final improvements such that no increase in runoff from the developed site shall occur.
91. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.
92. Hydrology and drainage calculations contained in the Final Drainage Study shall utilize tributary drainage flows and tributary areas as delineated in the latest version of the Calabasas Highlands Master Plan of Drainage.
93. The Final Drainage Study shall evaluate the effects of increased runoff due to the project's developed drainage condition on downstream properties, and provide recommendations for mitigating such effects with the design of on-site facilities.
94. The Final Drainage Study shall provide calculations for the dissipation of concentrated drainage at the project drainage outlets onto natural slope areas. Calculations shall reflect adequate dispersal and velocity reduction to the satisfaction of the City Engineer, and associated details shall be reflected on the Precise Grading and Drainage Plan(s).

Special Conditions

95. In accordance with City Municipal Code, only three Major Construction Projects (MCPs) are allowed to be active concurrently in the Calabasas Highlands. Therefore, no Building and Safety or Public Works construction permits may be obtained until the MCP permit is issued for the project in Calabasas Highlands Overlay Zone (review requirements set forth in the Ordinance No.2010-267).
96. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.
97. Applicant shall comply with all state requirements for construction within a special studies zone. Copies of the approved by the City Engineer geology report must be sent to the state geologist by the applicant prior to final Certificate of Occupancy.

Traffic Division:

98. The applicant shall pay the citywide traffic fees of \$1,230/unit.

99. The project shall adhere to the City's driveway policies in Section 17.28.080 of the CMC.

Los Angeles County Fire Department

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

Section 5. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Site Plan Review, Oak Tree Permit and Lot Merger associated with File No. 170000993. The approval of the project is conditioned upon the approval of the summary street vacation associated with File No. 170000993 by the City Council.

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 25th day of April, 2018.

Fred Gaines,
Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard
City Attorney
Colantuono, Highsmith & Whatley, PC

CITY COUNCIL RESOLUTION NO. 2018-1586

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS APPROVING THE SUMMARY STREET VACATION OF A PORTION OF FERN TRAIL AND A 15-FOOT WIDE STREET EASEMENT (PER INSTRUMENT NO. 77-169846).

WHEREAS, the applicant (Marcin Jagoda) requests the summary street vacation of a portion of Fern Trail, constituting approximately 2,535 square feet of land area; and the summary street vacation of a 15-foot wide street reservation easement (per Instrument No. 77-169846) on the subject site, constituting approximately 5,070 square feet of land area;

WHEREAS, the applicant shall comply with the conditions of approval set forth in Attachment "A", which must be completed to allow for recordation of the resolution of summary street vacation; and

WHEREAS, Fern Trail was an unimproved right-of-way prior to the construction of three homes to the north of the subject site, and is now a private driveway but does not connect to any other road; and

WHEREAS, Fern Trail is not needed for street or highway purposes as it does not connect to any other streets and is not an integral component of the City's circulation system; and

WHEREAS, the 15-foot wide street reservation easement is unimproved and does not connect to any other road; and

WHEREAS, the 15-foot wide street reservation easement is not needed for street or highway purposes as it does not connect to any other streets and is not an integral component of the City's circulation system; and

WHEREAS, the proposed summary vacation will not landlock or block access to any properties, as the improved adjacent properties have reciprocal easements for access across the existing private driveway portion of Fern Trail, and will have reciprocal easements for access across the proposed larger private driveway once completed; and

WHEREAS, the City Council is permitted pursuant to Section 8330, et. Seq. of the California Streets and Highways Code, to vacate that portion of Fern Trail and the 15-foot wide street reservation easement, specifically Streets and Highways Code section 8334, subdivision (a); and

WHEREAS, the City Council desires to summarily vacate the identified portion of Fern Trail and 15-foot wide street reservation easement;

WHEREAS, this vacation is made pursuant to the requirements of California Streets and Highways Code, Division 9. – Change of Grade and Vacation, Part 3. – Public Streets, Highways, and Service Easements Vacation Law (sections 8300 et seq.), Chapter 4. – Summary Vacation; and

WHEREAS, the Planning Commission at a Public Hearing on April 5, 2018, determined that the vacation conforms to the policies and programs of the Calabasas 2030 General Plan; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED determined and ordered by the City Council of the City of Calabasas:

Section 1. Incorporation of Recitals. The City Council hereby finds and determines that the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

Section 2. Declaration of Vacation.

The City Council of the City of Calabasas finds and declares that the portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846) proposed to be vacated are an excess right-of-way of a street or highway not required for street or highway purposes under Section 8334(a), Streets and Highway Code, except for the reservations referred to in Section 4, and pursuant to the provisions of the Summary Vacation Procedures of Part 3, Chapter 4, Division 9 of the Streets and Highways Code (commencing with Section 8330). The City Council under the authority vested in it by the Streets and Highways Code, sections 8334, subdivision (a) and 8335, hereby orders the vacation of the portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846) more particularly described and depicted in Section 3 and Attachment B, reserving the easements described below in Section 4.

Section 3. Designation of Street to be Vacated.

The subject street to be vacated is described as follows:

(a) A 7.5-foot wide portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846).

(b) The portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846) to be vacated are further identified on the map in Attachment "B" as "Fern Trail" and "15' Street Reservation Per Inst. No. 77-169846" and is described as stated in Attachment "B"

Section 4. Reserving Easements.

The City Council hereby expressly reserves and exempts from said summary vacation the easements necessary for existing facilities and appurtenances including public and private utilities, not relocated as part of this action.

Section 5. Recordation of Resolution.

The City will process the summary vacation to the point of recordation, but will withhold recording the resolution of summary vacation until all conditions contained in Attachment "A" have been met. If the applicant does not first complete the conditions, then the City will not proceed with the recordation of the notice of summary vacation and the City will retain the interest in the street because the summary vacation will never have been completed.

Upon satisfaction of all conditions in Attachment "A" and recordation by the City Clerk of this resolution, the area shown on the attached map (Attachment "B") as "Fern Trail" and "15' Street Reservation Per Inst. No. 77-169846" is hereby vacated. Third parties may conclusively assume that if this resolution is recorded, all conditions have been satisfied, and the vacation complete.

Once all of the conditions of summary vacation have been met, the vacated area becomes the property of the applicant, and the applicant shall adhere to all City rules, regulations and ordinances regarding the use and development of the property.

Section 6. Adoption of Resolution.

That the City Clerk shall certify to the passage and adoption of this resolution and shall cause the same to be possessed in the manner required by law, upon satisfaction of the conditions stated in Section 5. This resolution shall become effective upon its adoption. Upon the recordation of this resolution, the vacation is complete, and the vacated portion of Fern Trail and the 15-foot wide street reservation easement will no longer constitute City-owned public rights of way.

PASSED, APPROVED AND ADOPTED this 25th day of April, 2018.

Fred Gaines,
Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott Howard,
City Attorney
Colantuono, Highsmith & Whatley, PC

ATTACHMENT "A"
To Resolution No. 2018-1586

**CONDITIONS OF APPROVAL FOR SUMMARY STREET VACATION OF
FERN TRAIL AND A 15-FOOT WIDE STREET RESERVATION
EASEMENT**

1. The applicant shall submit a grading plan for review and approval prior to the notice of vacation being recorded.
2. The City may reserve an easement for Public Utility Purposes over the entire area to be vacated with the right to grant the same to Utility Companies requiring an easement.
3. That the City will process the vacation to the point of recordation, but will withhold recording the notice of vacation until all conditions have been met. If the applicant does not complete the conditions then the City will not proceed with the recordation of the notice of vacation and the City will retain the interest in the street and the vacation will be rescinded.
4. That once all of the conditions of vacation have been met, the vacated area becomes the property of the applicant, and the applicant shall adhere to all City rules, regulations and ordinances regarding the use and development of the property.

Attachment "B"
To Resolution No. 2018-1586

LEGAL DESCRIPTION

PARCEL 1:

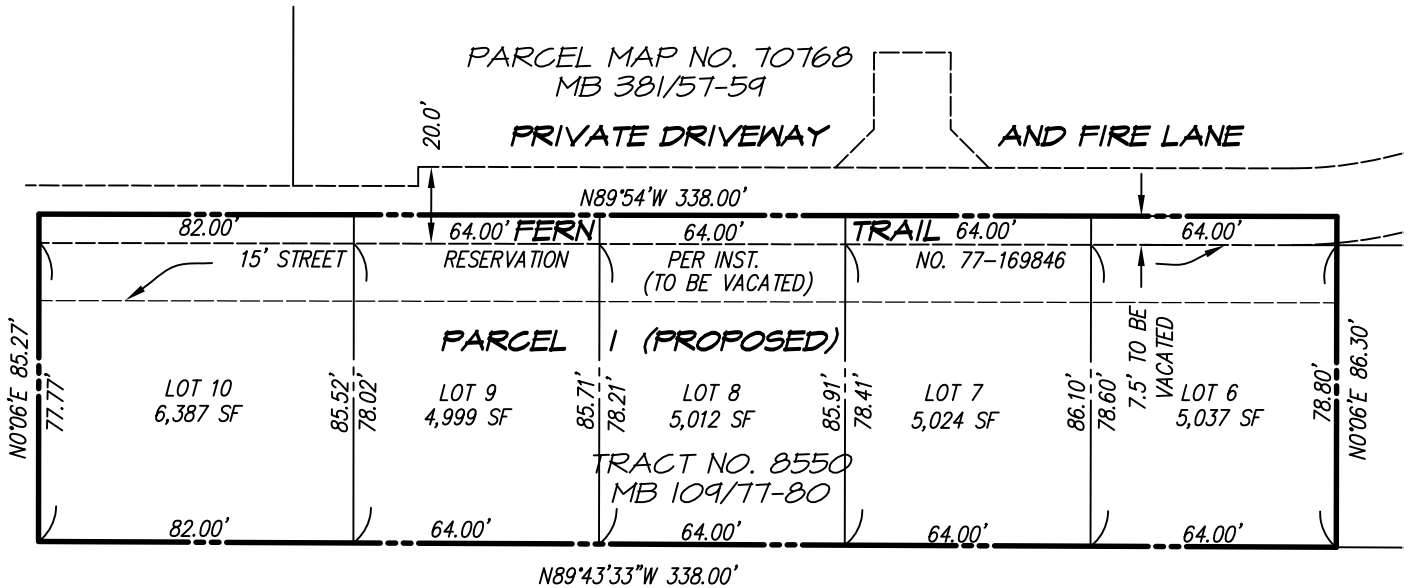
LOTS 6 THROUGH 10 OF BLOCK 21 OF TRACT NO. 8550 IN THE CITY OF CALABASAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 109, PAGES 77 THROUGH 80 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH:

THE SOUTHERLY 7.5 FEET OF FERN TRAIL ADJACENT TO SAID LOTS 6 THROUGH 10 AS SHOWN ON SAID TRACT MAP.

CONTAINING 28,995 SQUARE FEET, MORE OR LESS

PARCEL MERGER
SKETCH TO ACCOMPANY
LEGAL DESCRIPTION



PROPOSED AREA:

PARCEL 1 (WITH VACATION FERN TRAIL) 28,995 SF
 PARCEL 1 (WITHOUT VACATION) 26,460 SF

EXISTING AREAS:

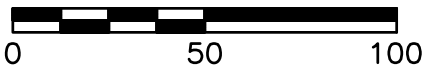
LOT 6 5,037 SF
 LOT 7 5,024 SF
 LOT 8 5,012 SF
 LOT 9 4,999 SF
 LOT 10 6,387 SF



LEGAL DESCRIPTION:

LOTS 6 THROUGH 10, TRACT NO. 8550
 MB 109/77-80

GRAPHIC SCALE 1"=50'



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P.C. RESOLUTION NO. 2018-660

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF FILE NO. 170000993, A SITE PLAN REVIEW, OAK TREE PERMIT, LOT MERGER AND SUMMARY STREET VACATION TO MERGE FIVE LOTS INTO ONE 26,460 SQUARE-FOOT LOT AND CONSTRUCT A NEW 2,840 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH A TWO-CAR ATTACHED GARAGE LOCATED AT 23742 FERN TRAIL (APN 2072-018-022), WITHIN THE RURAL COMMUNITY (RC) ZONING DISTRICT, AND CALABASAS HIGHLANDS (CH) OVERLAY ZONE.

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 were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on April 5, 2018 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

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

1. The applicant submitted an application for File 170000993 on August 7, 2017.

2. On September 5, 2017, the Development Review Committee reviewed the application.
3. On September 6, 2017, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
4. On September 15, 2017, the Architectural Review Panel reviewed the project and recommended approval of the design to the Planning Commission.
5. On February 20, 2018, the application was deemed complete and the applicant was notified.
6. Notice of the April 5, 2018, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Agoura Hills / Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
7. Notice of the April 5, 2018, Planning Commission public hearing was provided to property owners within 500 feet of the property, as shown on the latest equalized assessment roll, at least ten (10) days prior to the hearing.
8. Notice of the April 5, 2018, Planning Commission public hearing was posted on-site at least ten (10) days prior to the hearing.
9. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. The project site is zoned Rural Community (RC) and Calabasas Highlands (CH) overlay zone.
11. The land use designation for the project site under the City's adopted General Plan is Rural Community (RC).
12. The surrounding land uses around the subject property are zoned Rural Community (RC) and Calabasas Highlands (CH) overlay zone.
13. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

FINDINGS

Section 17.62.020(E) Calabasas Municipal Code allows the review authority to approve a **Site Plan Review** provided that the following findings are made:

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

Single-family housing and ancillary uses are allowed in the Rural Community (RC) zoning district and Calabasas Highlands (CH) overlay zoning district, pursuant to section 17.11 of the CMC. The subject site is currently undeveloped and is surrounded by single-family homes of similar size and scale to the proposed project. The proposed project meets all applicable development standards for the RC and CH zoning districts as documented in the Technical Appendix of the Staff Report. Therefore, the proposed project meets this finding.

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

The proposed project meets this finding because the General Plan land use designation for this property is Rural Community (RC), and single-family residential land uses are consistent with this land use designation. The proposed project has been designed to meet the goals and objectives of the Open Space and Conservation Elements of the General Plan, by concentrating development on the pre-disturbed portions of the site and leaving approximately 80% of the site undisturbed. Furthermore, by consolidating five substandard lots into one, the proposed project meets the goals and objectives of the Community Design Element for the South Mulholland neighborhood, which encourages the retirement of development rights on substandard lots (General Plan Policy IX-42). Additionally, there are no specific or master plans applicable to this parcel.

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

The proposed project is exempt from CEQA pursuant to Section 15303 (New Construction) of the CEQA Guidelines, which exempts the construction of up to three single-family homes in a residential zone; and Section 15332 (In-fill Development Projects) of the Guidelines, which exempts in-fill development projects consistent with the General Plan, occurring on a project site with no more than five acres, and surrounded by urban uses. Given that the

proposed project consists of constructing only one single-family residence on an in-fill lot within an established single-family neighborhood, the proposed project meets this finding.

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

The Calabasas Highlands is a residential neighborhood developed with a mix of one-, two- and three-story homes in a variety of architectural styles. The Modern architectural style of the proposed home will blend in with the existing community. Furthermore, the average size of surrounding homes on Fern Trail is 3,087 square feet; at 2,820 square feet, the size of the proposed home is smaller than the surrounding homes and consistent with the Calabasas Highlands overlay zone requirements, which were adopted to ensure that new development is appropriately scaled for the existing neighborhood. Given these conditions, the proposed project is compatible with surrounding uses and development 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 proposed single-family residence is required to comply with site coverage standards provided in Section 17.13.020 of the CMC, as well as landscaping standards in Section 17.26.040 of the CMC. The site coverage of the proposed project is 8%, which complies with the maximum allowed 35% CMC requirement. The project also provides 77% permeable area and landscaping, which complies with the minimum CMC requirement of 65% permeable surfaces. Furthermore, with a gross lot size of 28,995 square feet, the proposed house has a floor area ratio of 0.12 based on the gross lot size, and is proportionately smaller than most of the other homes along Fern Trail, which range in floor area ratio (based on gross lot size) from 0.16 to 0.21. Consistent with Policy IX-40 of the General Plan, the proposed single-family residence complies with all development standards of the Calabasas Highlands overlay zone. Therefore, the proposed project meets this finding.

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

The proposed residence was designed and situated to comply with all applicable development code standards and be compatible with existing homes in the community. Proposed earth tone colors, rustic building elements, and landscaping will serve to integrate the subject site with the existing surrounding natural environment to the maximum extent feasible. The applicant has proposed a landscape plan utilizing native and drought

tolerant plants that will complement the character of the area. Therefore, the proposed project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the review authority to approve an **Oak Tree Permit** provided that the following findings are made:

1. *The request to remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.*

The subject site is made up of five legal lots that range in size from approximately 5,000 square feet to 6,400 square feet. The applicant is proposing to merge the lots into one large lot with a combined lot size of 26,460 square feet. Approximately 5,000 square feet of the subject site has been previously disturbed with remedial grading activities that occurred more than 10 years ago, based on aerial photo graphs. The remaining 21,000 square feet of the subject site is undisturbed and contains non-native and native plants including a predominance of scrub oak habitat. The proposed home has been sighted to minimize impacts to the scrub oak habitat both on and off-site, by utilizing the pre-disturbed areas. However, the soils report states that the existing site should be excavated an additional 2 feet below the proposed finished elevation, with the excavated material to be replaced and re-compacted in order to create a suitable foundation for new construction. This over-excavation would be required for any development of the site. The area of over-excavation includes scrub oaks. As result, the proposed project requires the removal of 4 scrub oaks (total of 44 inches of trunk diameter) in order to accommodate fire department access around the structure. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Furthermore, the total on-site oak canopy is approximately 15,000 square feet. The proposed removals represent approximately 872 square feet of oak canopy. As a result, 94% of the existing oak canopy will be preserved. Given these circumstances the request to remove 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

2. *The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. In addition, said alterations and encroachments can*

be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.

The subject site is made up of five legal lots that range in size from approximately 5,000 square feet to 6,400 square feet. The applicant is proposing to merge the lots into one large lot with a combined lot size of 26,460 square feet. Approximately 5,000 square feet of the subject site has been previously disturbed with remedial grading activities that occurred more than 10 years ago, based on aerial photo graphs. The remaining 21,000 square feet of the subject site is undisturbed and contains non-native and native plants including a predominance of scrub oak habitat. The proposed home has been sighted to minimize impacts to the scrub oak habitat both on and off-site, by utilizing the pre-disturbed areas. However, the soils report states that the existing site should be excavated an additional 2 feet below the proposed finished elevation, with the excavated material to be replaced and re-compacted in order to create a suitable foundation for new construction. This over-excavation would be required for any development of the site. The area of over-excavation includes scrub oaks. As result, the proposed project requires the encroachment into the protected zone of 4 scrub oaks in order to accommodate fire department access around the structure. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Furthermore, the total on-site oak canopy is approximately 15,000 square feet. The proposed encroachment represents less than 100 square feet of oak canopy. Given these circumstances the request to encroach into the protected zone of 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

According to the oak tree report, prepared by Arbor Culture LLC and reviewed by the City's contract arborist, the proposed encroachments will not have a negative impact on the oak trees with proper care during construction. This conclusion has been confirmed by the City's Arborist and the recommendations of the oak tree report are included as conditions of approval in this resolution. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Given these circumstances, the request to encroach into the protected zone of 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

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

According to the oak tree report, most of the subject site, west of the proposed house, is made up of scrub oak habitat. According to aerial photographs, the scrub on-site oak habitat is approximately 15,000 square feet. The proposed project requires the removal of 4 scrub oaks, which represents approximately 872 square feet of oak canopy. As a result, the proposed project would result in the loss of approximately 6% of the existing on-site oak canopy. Therefore, with 94% of the total hardwood canopy being retained, the proposed oak removal will have a minimal impact on the total hardwood canopy. Furthermore, the biological survey determined that there is no presence of nesting birds, Rare, Threatened or Endangered species on the subject site. Given these circumstances, the proposed project meets this finding.

Section 17.44.145 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Lot Merger** provided that the following findings are made:

1. *The lot merger is consistent with the Subdivision Map Act provisions;*

The proposed lots to be merged are contiguous parcels (lots 6 through 10 of Tract No. 8550) held by the same owner, as required by Section 66451.11 of the Subdivision Map Act. Furthermore, as required by the Subdivision Map Act, the existing lots are undeveloped. None of the existing lots meet the minimum lot size requirement for the RC zoning district, and four of the lots do not meet the minimum lot width. As a result, the current conditions exist as a legal non-conforming status. The proposed lot merger will create a single lot with 26,460 square feet and a lot width of 338 feet. Consequently, the new merged lot will be in significantly greater compliance with the size standards of the CMC and ensures that all development meets required setbacks, lot coverage, floor area ratio and landscape requirements. Given these circumstances, the proposed lot merger meets this finding.

2. *The lots to be merged at the time of merger are under common ownership;*

The proposed lot merger meets this finding because all five lots are owned by Marcin Jagoda, Andrzej Jagoda and Halina Jagoda, as confirmed by the most current Title Report. Furthermore, the conditions of approval require the applicant to submit a current Title Report to confirm ownership at the time of recordation of the final map.

3. *The lots as merged will not be deprived of legal access as a result of the merger and access to the adjoining lots will not be restricted by the merger;*

The proposed lot merger meets this finding because the proposed merged lot will have more than 200 feet of frontage along Fern Trail, which is a private driveway. Furthermore, necessary easements have been recorded along Fern Trail to allow for shared access, and maintenance of the driveway by, all abutting property owners.

4. *Lot mergers may only be approved provided that dedications or offers of dedication to be vacated or abandoned by the merger are unnecessary for present or future public use; and*

The proposed lot merger meets this finding because the existing 15-foot wide street easement does not have connectivity with a public right-of-way, and is no longer necessary due to the privatization of Fern Trail via approval of Parcel Map 381-057 in 2012. The proposed lot merger and related summary vacation of the existing street and public right of way easement are consistent with the City's Circulation Element as the existing, undeveloped easement and public right of way are not necessary for public travel and do not facilitate access to the rest of the Calabasas Highlands.

5. *Lot mergers may only be approved provided that dedications or offers of dedication which are necessary for present or future public use are reserved in the merger.*

The proposed lot merger meets this finding because the site does not contain any dedications or offers of dedication that would be impacted by the proposed lot merger.

Government Code Section 65402 and chapter 4 of part 3 of division 9 of the Streets and Highway Code require that the City Planning Commission evaluate the proposed **Summary Street Vacation** of Fern Trail and a 15-foot wide street easement for conformance with the Calabasas 2030 General Plan:

1. *The request for a Summary Street Vacation of a 2,535 square-foot area of Fern Trail and a 15-foot wide street easement along the north property line of the subject site is consistent with the Calabasas 2030 General Plan in the following ways.*

Fern Trail was a 15-foot wide unimproved public right-of-way prior to the construction of the three new homes to the north of the subject site. Additionally, a 15-foot wide street easement was recorded on all five lots of the subject site in order to allow for the construction of a 30-foot wide future street. However, half of Fern Trail was turned into a private driveway with the approval and subsequent recordation of Parcel Map 381-057 (for the construction of the three homes). As a result, although Fern Trail was

constructed as a 20-foot wide private driveway, a 7.5-foot wide portion that fronts the subject site remains part of the public right-of-way. The proposed street vacation would vacate and privatize the remaining 7.5-foot wide portion of Fern Trail and the 15-foot wide street easement on the subject site.

The Circulation Element of the General Plan addresses the transportation system that supports physical mobility within and through the City. A key element of the City's transportation system is the road way network. The Circulation Element recognizes the need to balance an expanding road way network with preservation of the character and environment of the area. As a dead-end private driveway, Fern Trail provides access from Summit Drive and only serves the subject site and the three homes to the north. The existing dead-end private driveway terminates approximately 100 feet from the west property line of the subject site. Extending Fern Trail to connect to any other street is not feasible due to steep topography and scrub oak habitat. As a result, there is no future plan to construct a connecting road between Summit Drive and public right-of-ways to the west of the subject site. Furthermore, parcels to the west of the subject site will maintain street frontage along Canyon Drive and Elsie Dr.

Because Fern Trail and the adjacent street easement are not identified as a collector street or arterial street in the General Plan, it is not a necessary component in the City's circulation system. The requested vacation is also consistent with the City's Circulation Element as the existing, undeveloped easement and public right of way are not necessary for public travel and do not facilitate access to the rest of the Calabasas Highlands. Furthermore, vacation of the street right-of-way and street easement will accommodate the project development in the manner depicted on the plans, and per the descriptions within this resolution; with said development determined to be consistent with the 2030 General Plan in preceding sections of this resolution.

Policy VI-1 states "Avoiding adverse impacts to sensitive environmental features and residents' quality of life are higher priorities than improving traffic levels of service". The proposed vacation is intended to allow the proposed house and associated improvements to be located on existing, graded areas of the site, thereby minimizing the grading associated with the project and minimizing impacts to sensitive environmental aspects of the site, including the hillside and adjacent open-spaces areas. The requested street vacation will minimize adverse impacts to the sensitive and protected environment on and near the project site, therefore the vacation of the requested portion of Fern Trail and the street easement is consistent with the 2030 General Plan.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission recommends to the City Council approval of File No. 170000993 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. 170000993 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No 170000993 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Marcin Jagoda (applicant) and Marcin Jagoda, Andrzej and Halina Jagoda (owner) and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. 170000993 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 170000993 and the issuance of any permit or entitlement in connection therewith Marcin Jagoda (applicant) and Marcin Jagoda, Andrzej and Halina Jagoda (owner) and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department

Planning Division:

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped "Approved" by staff on the approval date. Any modifications to

these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field.

Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

3. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
4. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
5. 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.
6. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.

7. Construction Activities:

Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent property owners. The applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

8. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60

watts incandescent or less on residential projects is exempt by the Lighting Ordinance.

9. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such MWELo compliant plans and to the satisfaction of the Director of Community Development or his/her designee.
10. All ground mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof. Roof mounted equipment shall not be allowed.
11. All utilities shall be underground. Overhead utility connection is prohibited.
12. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
13. 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
14. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.
15. The applicant shall submit a final utility plan to the Planning Division for review and approval prior to the issuance of a grading or building permit. The utility plan shall show the location of all existing utilities and routes for connection, as approved by local utility companies, to said utilities.
16. An encroachment permit shall be required for the installation of utilities within the public right-of-way.
17. An oak tree permit shall be required for any utility and/or fire hydrant installation (including trenching) that occurs within the protected zone of an oak tree. The

final utility plan shall show all oak trees and corresponding protected zone in the vicinity of the utility installation.

18. Land clearing activities shall only occur during September 30 through January 1. If clearing cannot be accomplished during September 30 through January 1, then a nesting survey shall be conducted by a qualified biologist. Any nest discovered during the survey shall be avoided during construction as directed by a qualified biological monitor who is onsite during land clearing activities.

Oak Trees

19. The applicant is permitted to encroach into the protected zone of 4 scrub oaks, as shown in the Oak Tree Report, dated July 10, 2017.
20. The applicant is permitted to remove the following scrub oaks, as shown in the Oak Tree Report dated July 10, 2017: nos. 21-24 (44 trunk diameter inches of scrub oak).
21. In order to offset the loss of the above mentioned oaks, the applicant shall plant 44 inches in trunk diameter of scrub oak (23 24-inch box oak trees). All mitigation Oak trees shall be planted on-site if feasible. If it is not feasible to plant all mitigation Oak tree on-site, then the applicant shall plant the mitigation trees in a viable off-site location approved by the Community Development Director in consultation with the City Arborist or pay a fee in-lieu of mitigation into the City's Oak Tree Mitigation fund to be used for future mitigation efforts. The applicant shall be responsible for the monitoring and maintenance of the replacement trees for a minimum of five (5) years. If any replacement tree(s) dies during the five-year period, the applicant shall plant new replacement trees and the five-year monitoring period shall begin again from the date of planting for the replacement Oak.
22. Prior to the issuance of a grading or building permit, the applicant shall submit an Oak tree mitigation plan for review and approval by the Community Development Director. The mitigation plan shall include a plan for planting and establishment of mitigation trees, including the size, species and location, and a monitoring and maintenance schedule. The mitigation plan shall be prepared by the project's Oak tree preservation consultant in accordance with the requirements outlined in the City's Oak Tree Prevention and Protection Guidelines.
23. All mitigation work shall be completed and in-lieu fees paid prior to the issuance of a Final Certificate of Occupancy.
24. Prior to the issuance of a grading or building permit, the applicant shall submit a monitoring plan consistent with the applicant's oak tree consultant's recommendations and the City's Oak Tree Preservation and Protection Guidelines for all encroached upon trees. The plan should propose quarterly monitoring of encroached upon trees for an initial period of three years, followed

by two additional years of bi-annual monitoring. Any tree that fails as a result of the project shall be replaced. Pruning of any scrub oak shall be prohibited except for fuel modification purposes, and shall be limited to the minimum amount necessary to meet LA County Fire Department requirements. The annual monitoring shall include the status of scrub oaks within the fuel modification zone.

25. Prior to the issuance of a grading or building permit, the applicant shall submit a refundable security deposit (or other surety), in an amount equal to the PRC value of the impacted oak trees plus the cost of planting and possible replacement, to be deposited in trust with the City of Calabasas. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.
26. Copies of the following shall be maintained on the site during any work to or around the oaks: Oak tree report; Oak tree permit, including conditions of approval; City Oak Tree Preservation Guidelines; Oak Tree Ordinance No. 2001-166; and approved oak tree plan, landscape plan and site plan.
27. No chemicals or herbicides shall be applied to the soil surface within 100 feet of an oak tree's aerial/root zone (i.e., root protection zone).
28. Prior to the issuance of a grading permit, the applicant shall submit a copy of the Oak Tree Fencing Plan to the Community Development Director for review and approval. The applicant shall notify the City a minimum of 48 hours prior to the start of any work so that the City may inspect the placement of the Oak tree protective fencing.
29. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
30. The oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.
31. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
32. The area within the protective fencing shall not be used at any time for material or equipment storage and parking.

33. The applicant shall adhere to the specific recommendations contained within the Oak Tree Report dated July 10, 2017, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the above permit conditions. If any work was performed in a manner not in conformance with these conditions of approval then the applicant's oak tree consultant shall identify the instance or instances of a deviation to any of these conditions.

Building and Safety Division:

34. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
35. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
36. The project is located within a designated A Very High Fire Hazard Severity Zone.

Public Works Department

Environmental Division:

37. 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.

38. 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.
39. Landscape areas should utilize a concave design to capture irrigation runoff and first $\frac{3}{4}$ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the roof and all hardscape areas is directed to landscaped areas.
40. Direct runoff from the driveway toward permeable areas and construct portions of the driveway from porous materials.
41. 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.
42. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street (public or private).
43. 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.
44. 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.

Engineering Division:

Street Improvements

45. 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.
46. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
47. Any proposed roadway improvements shall be approved by the County of Los Angeles Fire Department and the City Engineer prior to the Issuance of a Grading Permit.
48. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's access driveway, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
49. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
50. The applicant shall repair any broken or damaged curb, gutter, or pavement on Fern Trail along the project frontage to the satisfaction of the City Engineer.

Mapping and Related Documents

51. A Parcel Merger shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.
52. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.

53. The approved Parcel Merger and Summary Street Vacation shall be recorded with the County of Los Angeles prior to the issuance of a Certificate of Occupancy.

Grading, Drainage, and Geotechnical Conditions

54. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the City 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 the proposed residential construction. The plans should include, but not 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, over-excavation requirements contained therein. The plan should include all laterals and utility lines including sewers and water lines. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations. The plans shall be prepared in accordance with the requirements of the City of Calabasas Public Works Department.

55. The plans shall be signed and stamped by geotechnical engineer to verify compliance of grading and foundation plans, including grading notes, with the engineer's recommendations

56. The applicant shall submit a Final Geotechnical Report prepared by a Geotechnical Engineer/Engineering Geologist. The report must specifically address the proposed improvement 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 the City of Calabasas Public Works department standards and requirements.

57. The Final Geotechnical Report shall address slope stability for all local slopes and temporary excavation conditions, any cut/fill conditions of the proposed project, and provide any recommendations necessary for stability and/or protection of vertical cuts. The Report shall provide recommendations specific to the process of slope removal and reconstruction.

58. The Final Geotechnical Report shall address specific requirements for select materials to be utilized for slope construction, including provisions for quality control and material stockpiling, to ensure that constructed condition of on-site fill materials will be consistent with shear strengths of material assumed in the approved engineering analysis.

59. Approved geotechnical/geology reports shall be listed on the grading and foundation plans.
60. The consultant of record shall observe and inspect all excavations and earthwork operations to determine that condition anticipated in the approved report have been encountered and to provide recommendations for corrections and elimination of all geologic hazards associated with the proposed development.
61. A temporary excavation plan shall be prepared to illustrate the removal of the on-site fills and unsuitable soils. The plan shall include the location of keyways, temporary excavations and stockpile locations for import and excavated materials, and should illustrate sequencing of grading, removals and remedial work. The temporary excavation plan shall be submitted to Public Works and reviewed and approved prior to the issuance of a grading permit.
62. 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.
63. 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.
64. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.
65. 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.
66. 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. 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.
67. An as-built report prepared by the geotechnical consultant must be submitted to the City for review. The report must include the results of all compaction tests as

well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removals bottoms, and location and elevations of retaining wall backfills and subdrain outlets.

68. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for adjacent retaining walls, slopes and property lines. Provide sections as necessary to clarify the depth and grade relationships of these excavations.
69. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
70. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
71. 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.
72. 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. A detailed design of project retaining walls shall be provided on the project Grading Plan(s) and associated structural drawings. Grading Plan(s) shall clarify locations and limits of retaining walls to be constructed in conjunction with rough grading. Any walls requiring construction during rough grading shall be submitted to Building and Safety Division for review and approval and are subject to the specific approval by the City Engineer. Building and Safety approval shall be obtained prior to issuance of a grading permit.
73. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading and drainage improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage device.
74. 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).
75. 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.

76. 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.
77. Approval of Rough Grading. The project Rough Grade Report, Rough Grade Certification 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, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
78. 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. 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.
79. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide as-built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
80. Final Grade Certification. Prior to Issuance of a Certificate of Occupancy, the applicant shall submit the Final Grade Inspection Verification Form certified by the project Civil Engineer, Geologist/Geotechnical Engineer, and Landscape Architect or property owner. Additional reports maybe requested prior to release of Occupancy. The Final Grade Inspection Verification Form shall be reviewed and approved by the City Engineer prior to Issuance of a Certificate of Occupancy for the project.
81. The applicant shall be responsible for the construction and maintenance of the proposed site improvements. A maintenance covenant shall be recorded against the property to ensure that project hardscape and drainage systems are properly maintained. Maintenance provisions shall be submitted by the applicant and approved by the City of Calabasas Public Works Department. Said covenant

shall contain provisions ensuring that proper maintenance is provided in perpetuity for the constructed improvements. Covenant shall additionally include provisions to maintain to reimburse the City for any repair or maintenance effort required of said facilities, as deemed necessary by the City due to failure of the property owners(s) to adhere to the provisions of said covenant. The determination of necessity shall be at the sole discretion of the City.

Utilities

82. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.
83. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.
84. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum lateral connecting proposed single family residence to the existing sewer main subject to the approval of the City Engineer.
85. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD) prior to Issuance of a Building Permit. The applicant shall submit proof of payment of such fees to Public Works prior to the issuance of a Building Permit.

Hydrology and Drainage

86. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q₂₅). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the Capital Flood 50-year bulked and burned storm recurrence interval (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.

87. All drainage devices, pipes, and structures in the approved grading and drainage plan shall be the sole responsibility of the applicant to construct and the applicant shall maintain those devices, pipes and structures located on their property.
88. The applicant shall provide for the proper distribution of surface and subsurface drainage. Historic drainage patterns shall be maintained. Any drainage that is concentrated shall be properly dispersed in accordance with the hydrology/drainage study required herein.
89. 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. The Applicant shall design the final improvements such that no increase in runoff from the developed site shall occur.
90. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.
91. Hydrology and drainage calculations contained in the Final Drainage Study shall utilize tributary drainage flows and tributary areas as delineated in the latest version of the Calabasas Highlands Master Plan of Drainage.
92. The Final Drainage Study shall evaluate the effects of increased runoff due to the project's developed drainage condition on downstream properties, and provide recommendations for mitigating such effects with the design of on-site facilities.
93. The Final Drainage Study shall provide calculations for the dissipation of concentrated drainage at the project drainage outlets onto natural slope areas. Calculations shall reflect adequate dispersal and velocity reduction to the satisfaction of the City Engineer, and associated details shall be reflected on the Precise Grading and Drainage Plan(s).

Special Conditions

94. In accordance with City Municipal Code, only three Major Construction Projects (MCPs) are allowed to be active concurrently in the Calabasas Highlands. Therefore, no Building and Safety or Public Works construction permits may be obtained until the MCP is issued for the project in Calabasas Highlands Overlay Zone (review requirements set forth in the Ordinance No.2010-267).

95. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.

96. Applicant shall comply with all state requirements for construction within a special studies zone. Copies of the approved by the City Engineer geology report must be sent to the state geologist by the applicant prior to final Certificate of Occupancy.

Traffic Division:

97. The applicant shall pay the citywide traffic fees of \$1,230/unit.

98. The project shall adhere to the City's driveway policies in Section 17.28.080 of the CMC.

Los Angeles County Fire Department

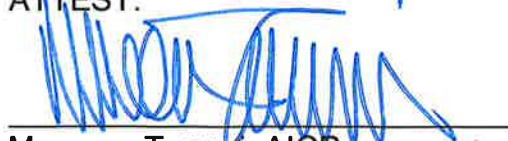
99. The applicant or property owner shall obtain all applicable permits and approvals from the Los Angeles County Fire Department. The applicant and/or property owner shall comply with all Fire Department conditions of approval.

Section 5. All documents described in Section 1 of PC Resolution No. 2018-660 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2018-660 PASSED,
APPROVED AND ADOPTED this 5th day of April, 2018


Dennis Washburn
Chairperson

ATTEST:


Maureen Tamuri, AICP
Community Development Director

APPROVED AS TO FORM:


Matthew T. Summers

Assistant City Attorney
Colantuono, Highsmith & Whatley, PC

Planning Commission Resolution No. 2018-660, was adopted by the Planning Commission at a regular meeting held April 5, 2018, and that it was adopted by the following vote:

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

NOES: None

ABSENT: None

ABSTAINED None

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



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
APRIL 5, 2018

TO: Members of the Planning Commission

FROM: Michael Klein, Senior Planner *MAK*

FILE NO.: 170000993

PROPOSAL: Request for a Site Plan Review, Oak Tree Permit, Lot Merger and Summary Street Vacation to merge five lots into one 26,460 square-foot lot and construct a new 2,840 square-foot single-family residence with a two-car attached garage located at 23742 Fern Trail (APN 2072-018-022), within the Rural Community (RC) zoning district, and Calabasas Highlands (CH) overlay zone.

APPLICANT: Marcin Jagoda

OWNER: Marcin Jagoda, Andrzej and Halina Jagoda

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2018-660, recommending to City Council approval of File No. 170000993.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62 of the Calabasas Municipal Code (CMC) stipulates that the Planning Commission is the decision making body for Site Plan Review Permits, Oak Tree Permits and Lot Mergers. Because the City Council is the decision making body for Summary Street Vacations, the Planning Commission shall make a recommendation to the City Council on all associated permits (per CMC 17.60.020).

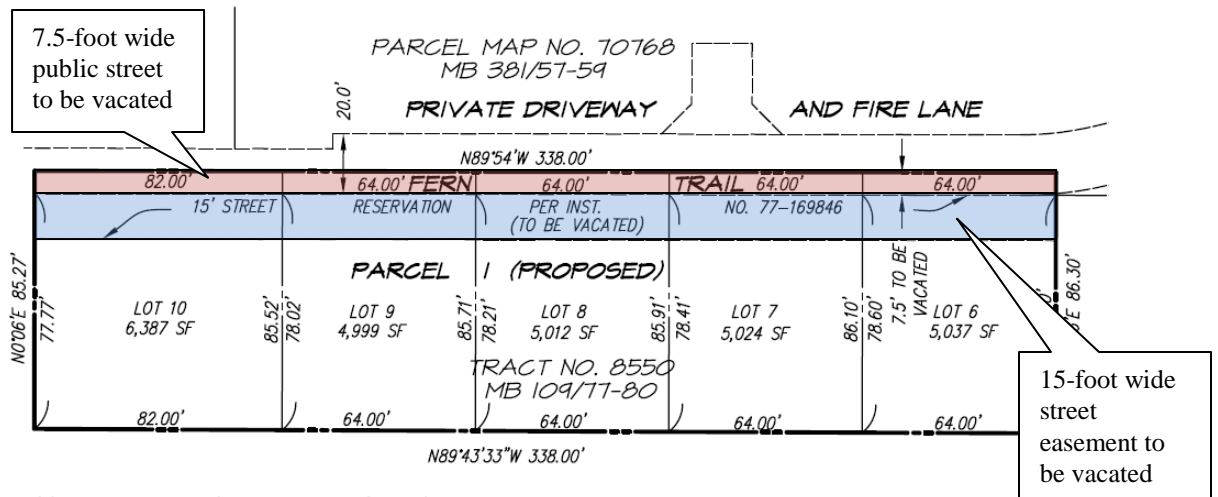
BACKGROUND:

On August 7, 2017, the applicant submitted an application seeking permission to construct a new single-family residence on a vacant lot located at 23742 Fern Trail (APN 2072-018-022), within the Rural Community (RC) zoning district and Calabasas Highlands (CH) overlay zone. The proposed project was reviewed by the Development Review Committee (DRC) on September 5, 2017, and comments were forwarded to the applicant. The Architectural Review Panel (ARP) reviewed the project on September 15, 2017. The Panel recommended approval of the design with minor modifications. Having addressed all City and outside agency comments, the application was deemed complete on February 20, 2018.

STAFF ANALYSIS:

- A. Site Design/Building Layout: The subject site is made up of five (5) undeveloped legal lots located at 23742 Fern Trail (APN: 2072-018-022) within the Rural Community (RC) zoning district and the Calabasas Highlands (CH) overlay zone. All five lots front Fern Trail, which is partially improved with a shared private driveway that was constructed in 2014. The gross lot size of all five lots is 26,460 square feet; however, due to a 15-foot wide street easement along the front property line, the net lot size of all lots is 22,350 square feet. The subject site is located along the south western edge of the Calabasas Highlands, surrounded by developed properties to the east, west and north, and vacant land to the south. The lots have an up-slope of approximately 34% (averaged over all five lots) starting at the western property line, heading east. Although the subject site consists of five vacant lots, the eastern most lot was previously disturbed and has been cleared of most vegetation. The remaining lots contain native and non-native vegetation, including scrub oak habitat.

Because the subject site consists of five legal lots, the owner could propose a project with five new homes. However, four of the lots are physically constrained by steep slopes and oak habitat, making it difficult to develop all five lots. Therefore, the applicant is requesting to merge all five lots into one larger lot, and requesting that the City vacate the remaining portion of Fern Trail and the 15-foot wide street easement on the subject site (see below). The requested action would result in the retirement of five buildable lots into one buildable lot, and allow for the construction of one larger home rather than five smaller homes.



Proposed lot merger and street vacation plan

With a new lot size of 26,460 square feet (net) the maximum permitted floor area for a new home on the proposed lot is 3,500 square feet (inclusive of the garage). The applicant is proposing a 2,840 square-foot two-story house with a 420 square-foot attached two-car garage. With a total floor area of 3,260 square feet, the proposed single-family residence meets the maximum permitted house size for the CH overlay zone. Furthermore, the proposed structure complies with all applicable development standards of the CMC, including, but not limited to, site coverage, setbacks, pervious surface, and parking. The proposed height of the structure from the finished grade is 24 feet. Because the subject site has an average slope of more than 20%, the proposed project is subject to the downhill building wall height limit. Therefore, the two-story home has been designed to comply with the downhill building wall requirement by stepping each floor back from the lower floors on the west elevation. Additional site improvements include a driveway, walkways, retaining walls and decks. No pool or spa is proposed at this time.

- B. Architecture:** The proposed residence has been designed to incorporate architectural elements found in Modern architecture. The house will be finished with stucco and wood siding utilizing earth tone colors, and a flat non-reflective gray roof. Accents will include steel eaves and guard rails. Given that residences within the Calabasas Highlands community represent an eclectic variety of architectural styles with no single or dominant architectural type, and that a number of Modern architecture structures already exists in the neighborhood, the Modern architecture of the proposed project is compatible with the neighborhood. Furthermore, the proposed design matches the modern homes that were recently constructed across the private driveway on Fern Trail.

The City's Architectural Review Panel reviewed the project on September 15, 2017. The Panel found that the proposed residence is consistent with the design guidelines for two-story homes found in Section 17.20.070(A)(9) of the CMC and that the proposed design is compatible with that of existing homes in the community. As a result, the Panel recommended approval of the design, with minor modifications that have been incorporated into the final plans, to the Planning Commission.



Architectural rendering of the north (front) elevation

The placement of story poles on the subject site is required to gauge the visual impact of the proposed project for development within a designated Scenic Corridor. Story poles were installed on February 20, 2018, in accordance with the City's Story Pole Procedures, and will remain up until a final decision is made on the project.

- C. Landscape and Oak Trees:** The proposed landscaping is shown on the landscape plan included in Exhibit B. The applicant proposes to retain most of the trees on the perimeter of the site and maintain more than 90% of the scrub oak habitat along the slope. New drought tolerant and native plant species will be located adjacent to the proposed house. More than 0.5 acres (80%) of the site will remain undisturbed. As a result, the proposed landscape plan will complement the site and surrounding area.

As described in the Oak Tree Report dated July 10, 2017 (and revised on October 23, 2017) and provided as Exhibit E, there are eight scrub oaks in the immediate vicinity of the project site, and a scrub oak habitat along the slope to the west of the proposed house. Because the majority of the scrub oak is located along the slope, the proposed

project will have no impact on more than 90% of the existing scrub oaks. However, the proposed project will result in the encroachment into the protected zone of four scrub oaks. With proper care during construction, as conditioned in Resolution No. 2018-660, the proposed encroachments will not have a detrimental impact on the oaks to remain. Due to the location of the proposed structure and necessary grading activities, the proposed project also requires the removal of four scrub oaks. As a result, the applicant is requesting approval to remove 44 total cumulative inches of oak trunk diameter. The applicant/property owner will be required to mitigate on an inch-for-inch basis for the loss of 44" oak trunk diameter through a combination of new oak planting on-site and/or a fee payment into the City's oak tree mitigation fund.

On November 27, 2017, the City's oak tree consultant, Noah Stamm (Dudek), rendered a recommendation of approval for this Oak Tree Permit. His recommendation was based on a site inspection and the information provided in the Oak Tree Report.

- D. Geology, Grading and Drainage:** The site consists of a graded pad area on the eastern lot, and an undisturbed down slope to the west. Bedrock underlies the subject site. Above the bedrock is a varying thickness (maximum of two feet) of topsoil and artificial fill, which will be required to be removed and replaced with compacted engineered fill suitable for development. The anticipated import after removal and re-compaction is approximately 46 cubic yards. The City's Public Works Department has reviewed a geotechnical report prepared by GeoSoils Consultants Inc. for the project site. The report provided suitable discussion, data and analysis to support the findings that the site is feasible for construction of the proposed single-family home and garage. Conceptual grading and drainage plans were submitted by the applicant to the City's Public Works Department for review. The plans were conceptually approved by Public Works. Conditions of approval related to grading, geology and drainage are included in Resolution No. 2018-660.
- E. Lot Merger:** The subject site is made up of five legal lots, lots 6-10 of Tract Map No. 8550. The applicant/owner is proposing to merge all the lots into one lot, with a gross lot size of 26,460 square feet. The minimum lot size for new lots within a new subdivision in the RC zoning district is one acre, with a minimum lot width of 75 feet. None of the existing lots meet the minimum lot size requirement, and four of the lots do not meet the minimum width requirement. As a result, the proposed lot merger would turn five legal but substantially non-conforming lots into one larger and only slightly non-conforming lot. Furthermore, lot mergers in the Calabasas Highlands are encouraged in the General Plan (see policy IX-42).
- F. Summary Street Vacation:** Fern Trail was a 15-foot wide unimproved public right-of-way prior to the construction of the three new homes to the north of the subject site. Additionally, a 15-foot wide street easement was recorded on all five lots of the subject site in order to allow for the construction of a 30-foot wide future street. However, half

of Fern Trail was turned into a dead-end private driveway with the approval and subsequent recordation of Parcel Map 381-057 (for the construction of the three homes). As a result, although Fern Trail was constructed as a 20-foot wide dead-end private driveway, a 7.5-foot wide portion that fronts the subject site remains part of the public right-of-way. The applicant is requesting that the City vacate the remaining 7.5-foot wide public right-of-way in order to privatize the entire driveway, as originally intended. Furthermore, the applicant is requesting that the City vacate the 15-foot wide street easement on the subject site, because the public right-of-way would no longer be adjacent to the subject site if the street vacation is approved. The requested vacation is consistent with the City's Circulation Element as the existing, undeveloped easement and public right of way are not necessary for public travel and do not facilitate access to the rest of the Calabasas Highlands. Instead, Fern Trail functions as a dead-end private driveway to access the three existing and this one proposed home. The requested vacations would relieve the City's existing maintenance obligations for this private driveway. There are recorded easements that allow all property owners along Fern Trail to access their lots, and necessary agreements for the continued maintenance of the driveway. Finally, existing easements are recorded to allow for the installation and maintenance of utilities within Fern Trail.

REQUIRED FINDINGS:

The findings required in Section 17.62 of the Calabasas Municipal Code for a Site Plan Review, Oak Tree Permit and Lot Merger are contained in the resolution attached as Exhibit A.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (new construction of one single-family residence), 15304 (minor alterations of land), and 15332 (in-fill development) of the California CEQA Guidelines.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit A. The following table is a summary of conditions contained in the resolution. Unless otherwise noted, the conditions in each category are standard conditions applied to projects of similar scope.

Condition No.(s)	Category	Notes
Community Development		
1-18	General	Condition number 9 requires compliance with MWELO

19-33	Oak Trees	Condition 21 requires the property owner to plant 23 24-inch box oak trees on or off-site to mitigate for the loss of four scrub oaks
4-36	Building and Safety	
Public Works		
37-44	Environmental Division	
45-50	Street Improvements	
51-53	Mapping	
54-81	Grading and Geotechnical	
82-85	Utilities	
86-93	Drainage and Hydrology	
94-96	Special Conditions	
97-98	Traffic Conditions	
Fire Department		
99	General	

PREVIOUS REVIEWS:

Development Review Committee (DRC):

September 5, 2017 Requested revisions and additional information

Architectural Review Panel (ARP):

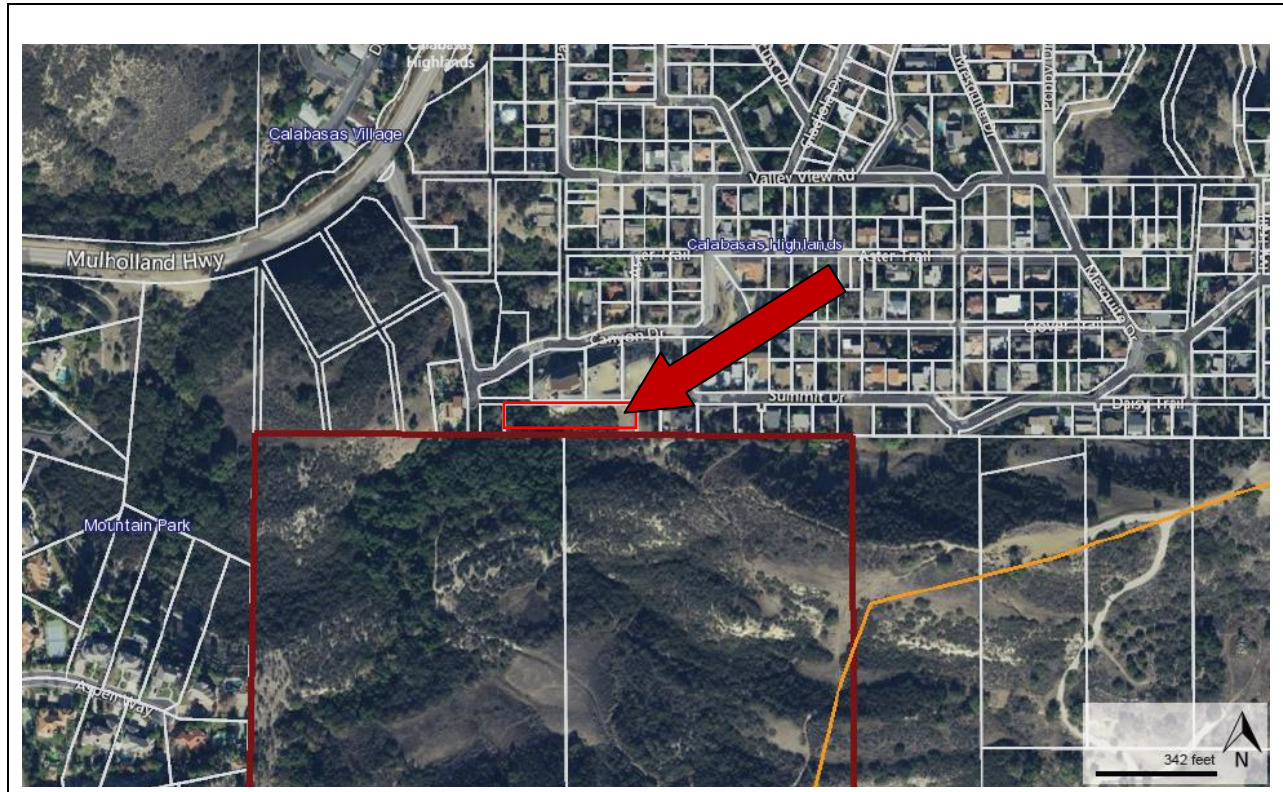
March 28, 2014 The Panel recommended one minor modification to the design: Extend the roof over the south-facing wall to a create an overhang condition, similar to elsewhere on the building, or at least provide a complementary roof component (separate from the main roof) located directly over the doorway. The Panel recommended approval with a 4-0 vote.

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 2018-660
- Exhibit B: Site Plans and Elevations
- Exhibit C: Lot Merger
- Exhibit D: Photographs of site (with story poles)
- Exhibit E: Oak Tree Report
- Exhibit F: Oak Tree Memo from City Consultant
- Exhibit G: ARP Action Agenda, September 15, 2017

TECHNICAL APPENDIX

Location Map:



Lot Merger Standards:

Existing Lot Size:

Lot 6:	5,037	Sq. Ft.
Lot 7:	5,024	Sq. Ft.
Lot 8:	5,012	Sq. Ft.
Lot 9:	4,999	Sq. Ft.
Lot 10:	6,387	Sq. Ft.
Fern Trail	2,535	Sq. Ft.

Proposed Lot Size: 28,995 Sq. Ft.

Existing Lot Width:

Lot 6:	64	Ft.
Lot 7:	64	Ft.

Code Limit

Meets Code

1 acre min	No
1 acre min	No
1 acre min	No
1 acre min	No
1 acre min	No
N/A	N/A
1 acre min	No*

10 Ft. min	Yes
15 Ft. min	Yes

Lot Merger Standards:				Code Limit	Meets Code
Lot 8:	64	Ft.		10 Ft. min	Yes
Lot 9:	64	Ft.		10 Ft. min	Yes
Lot 10	82	Ft.			
Proposed Lot Width:	338	Ft.		75 Ft. min	Yes

**The non-conformity will be improved*

Development Standards:				Code Limit	Meets Code
Lot Size:	28,995	Sq. Ft.	gross	N/A	N/A
	26,460	Sq. Ft.	net	N/A	N/A
Floor Area:					
House:	2,840	Sq. Ft.			
Garage:	420	Sq. Ft.			
Total:	3,260	Sq. Ft.			
Floor Area Ratio (FAR):	0.12			0.45 max or 3,500 Sq. Ft. max	Yes
Setbacks:					
Front:	20	Ft.		20 Ft. min	Yes
Rear:	15	Ft.		15 Ft. min	Yes
Side:	12	Ft.		10 Ft. min	Yes
Side:	288	Ft.		10 Ft. min	Yes
Height:	24	Ft.		27 Ft. max	Yes
Pervious Surface:					
Proposed:	22,482	Sq. Ft.	77 %	65% min	Yes
Site Coverage:					
Proposed:	2,192	Sq. Ft.	8 %	35% max	Yes
Parking Calculations					
# of Spaces Provided:	2			2 min	Yes

Proposed Color Palette:

Body Color: Smooth Stucco, various shades of grey
 Accent Color: Cedar Wood Siding (natural) and Trespa Siding Panel (light gray)

Development Standards:

Accent Color:	Windows, Doors and Railing, black metal
Roof Color:	Sika Sarnofil Flat Roofing System, grey

Code Limit

Meets Code

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Vacant	Rural Community (RC) – Calabasas Highlands (CH) overlay zone	Rural Community (RC)
West	vacant	Rural Community (RC) – Calabasas Highlands (CH) overlay zone	Rural Community (RC)
East	Single-family residence	Rural Community (RC) – Calabasas Highlands (CH) overlay zone	Rural Community (RC)
North	Single-family residence	Rural Community (RC) – Calabasas Highlands (CH) overlay zone	Rural Community (RC)
South	vacant	LA County	LA County

Home Comparison:

Address	APN	House Size (SF)	Lot Size (SF)	FAR
Project Site:				
23742 Fern Trail	2072018022	2840	28995	0.10
Neighboring Homes:				
23735 Fern Trail	2072018041	3087	19410	0.16
23745 Fern Trail	2072018040	3087	14536	0.21
23755 Fern Trail	2072018039	3087	18217	0.17
23722 Summit Dr	2072018021	2398	7535	0.32
3405 Elsie Dr	2072021005	3500	16117	0.22
Average:		2526	12636	0.22

Notes: The House sizes do not include garages. Lot size is based on the gross lot area. Project Site information obtained from information submitted by the applicant. Information on neighboring homes obtained from records of the Los Angeles County Tax Assessor Office.

P.C. RESOLUTION NO. 2018-660

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF FILE NO. 170000993, A SITE PLAN REVIEW, OAK TREE PERMIT, LOT MERGER AND SUMMARY STREET VACATION TO MERGE FIVE LOTS INTO ONE 26,460 SQUARE-FOOT LOT AND CONSTRUCT A NEW 2,840 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH A TWO-CAR ATTACHED GARAGE LOCATED AT 23742 FERN TRAIL (APN 2072-018-022), WITHIN THE RURAL COMMUNITY (RC) ZONING DISTRICT, AND CALABASAS HIGHLANDS (CH) OVERLAY ZONE.

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 were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on April 5, 2018 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

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

1. The applicant submitted an application for File 170000993 on August 7, 2017.

2. On September 5, 2017, the Development Review Committee reviewed the application.
3. On September 6, 2017, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
4. On September 15, 2017, the Architectural Review Panel reviewed the project and recommended approval of the design to the Planning Commission.
5. On February 20, 2018, the application was deemed complete and the applicant was notified.
6. Notice of the April 5, 2018, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Agoura Hills / Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
7. Notice of the April 5, 2018, Planning Commission public hearing was provided to property owners within 500 feet of the property, as shown on the latest equalized assessment roll, at least ten (10) days prior to the hearing.
8. Notice of the April 5, 2018, Planning Commission public hearing was posted on-site at least ten (10) days prior to the hearing.
9. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. The project site is zoned Rural Community (RC) and Calabasas Highlands (CH) overlay zone.
11. The land use designation for the project site under the City's adopted General Plan is Rural Community (RC).
12. The surrounding land uses around the subject property are zoned Rural Community (RC) and Calabasas Highlands (CH) overlay zone.
13. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

FINDINGS

Section 17.62.020(E) Calabasas Municipal Code allows the review authority to approve a **Site Plan Review** provided that the following findings are made:

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

Single-family housing and ancillary uses are allowed in the Rural Community (RC) zoning district and Calabasas Highlands (CH) overlay zoning district, pursuant to section 17.11 of the CMC. The subject site is currently undeveloped and is surrounded by single-family homes of similar size and scale to the proposed project. The proposed project meets all applicable development standards for the RC and CH zoning districts as documented in the Technical Appendix of the Staff Report. Therefore, the proposed project meets this finding.

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

The proposed project meets this finding because the General Plan land use designation for this property is Rural Community (RC), and single-family residential land uses are consistent with this land use designation. The proposed project has been designed to meet the goals and objectives of the Open Space and Conservation Elements of the General Plan, by concentrating development on the pre-disturbed portions of the site and leaving approximately 80% of the site undisturbed. Furthermore, by consolidating five substandard lots into one, the proposed project meets the goals and objectives of the Community Design Element for the South Mulholland neighborhood, which encourages the retirement of development rights on substandard lots (General Plan Policy IX-42). Additionally, there are no specific or master plans applicable to this parcel.

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

The proposed project is exempt from CEQA pursuant to Section 15303 (New Construction) of the CEQA Guidelines, which exempts the construction of up to three single-family homes in a residential zone; and Section 15332 (In-fill Development Projects) of the Guidelines, which exempts in-fill development projects consistent with the General Plan, occurring on a project site with no more than five acres, and surrounded by urban uses. Given that the

proposed project consists of constructing only one single-family residence on an in-fill lot within an established single-family neighborhood, the proposed project meets this finding.

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

The Calabasas Highlands is a residential neighborhood developed with a mix of one-, two- and three-story homes in a variety of architectural styles. The Modern architectural style of the proposed home will blend in with the existing community. Furthermore, the average size of surrounding homes on Fern Trail is 3,087 square feet; at 2,820 square feet, the size of the proposed home is smaller than the surrounding homes and consistent with the Calabasas Highlands overlay zone requirements, which were adopted to ensure that new development is appropriately scaled for the existing neighborhood. Given these conditions, the proposed project is compatible with surrounding uses and development 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 proposed single-family residence is required to comply with site coverage standards provided in Section 17.13.020 of the CMC, as well as landscaping standards in Section 17.26.040 of the CMC. The site coverage of the proposed project is 8%, which complies with the maximum allowed 35% CMC requirement. The project also provides 77% permeable area and landscaping, which complies with the minimum CMC requirement of 65% permeable surfaces. Furthermore, with a gross lot size of 28,995 square feet, the proposed house has a floor area ratio of 0.12 based on the gross lot size, and is proportionately smaller than most of the other homes along Fern Trail, which range in floor area ratio (based on gross lot size) from 0.16 to 0.21. Consistent with Policy IX-40 of the General Plan, the proposed single-family residence complies with all development standards of the Calabasas Highlands overlay zone. Therefore, the proposed project meets this finding.

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

The proposed residence was designed and situated to comply with all applicable development code standards and be compatible with existing homes in the community. Proposed earth tone colors, rustic building elements, and landscaping will serve to integrate the subject site with the existing surrounding natural environment to the maximum extent feasible. The applicant has proposed a landscape plan utilizing native and drought

tolerant plants that will complement the character of the area. Therefore, the proposed project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the review authority to approve an **Oak Tree Permit** provided that the following findings are made:

1. *The request to remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.*

The subject site is made up of five legal lots that range in size from approximately 5,000 square feet to 6,400 square feet. The applicant is proposing to merge the lots into one large lot with a combined lot size of 26,460 square feet. Approximately 5,000 square feet of the subject site has been previously disturbed with remedial grading activities that occurred more than 10 years ago, based on aerial photo graphs. The remaining 21,000 square feet of the subject site is undisturbed and contains non-native and native plants including a predominance of scrub oak habitat. The proposed home has been sighted to minimize impacts to the scrub oak habitat both on and off-site, by utilizing the pre-disturbed areas. However, the soils report states that the existing site should be excavated an additional 2 feet below the proposed finished elevation, with the excavated material to be replaced and re-compacted in order to create a suitable foundation for new construction. This over-excavation would be required for any development of the site. The area of over-excavation includes scrub oaks. As result, the proposed project requires the removal of 4 scrub oaks (total of 44 inches of trunk diameter) in order to accommodate fire department access around the structure. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Furthermore, the total on-site oak canopy is approximately 15,000 square feet. The proposed removals represent approximately 872 square feet of oak canopy. As a result, 94% of the existing oak canopy will be preserved. Given these circumstances the request to remove 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

2. *The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. In addition, said alterations and encroachments can*

be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.

The subject site is made up of five legal lots that range in size from approximately 5,000 square feet to 6,400 square feet. The applicant is proposing to merge the lots into one large lot with a combined lot size of 26,460 square feet. Approximately 5,000 square feet of the subject site has been previously disturbed with remedial grading activities that occurred more than 10 years ago, based on aerial photo graphs. The remaining 21,000 square feet of the subject site is undisturbed and contains non-native and native plants including a predominance of scrub oak habitat. The proposed home has been sighted to minimize impacts to the scrub oak habitat both on and off-site, by utilizing the pre-disturbed areas. However, the soils report states that the existing site should be excavated an additional 2 feet below the proposed finished elevation, with the excavated material to be replaced and re-compacted in order to create a suitable foundation for new construction. This over-excavation would be required for any development of the site. The area of over-excavation includes scrub oaks. As result, the proposed project requires the encroachment into the protected zone of 4 scrub oaks in order to accommodate fire department access around the structure. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Furthermore, the total on-site oak canopy is approximately 15,000 square feet. The proposed encroachment represents less than 100 square feet of oak canopy. Given these circumstances the request to encroach into the protected zone of 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

According to the oak tree report, prepared by Arbor Culture LLC and reviewed by the City's contract arborist, the proposed encroachments will not have a negative impact on the oak trees with proper care during construction. This conclusion has been confirmed by the City's Arborist and the recommendations of the oak tree report are included as conditions of approval in this resolution. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Given these circumstances, the request to encroach into the protected zone of 4 scrub oaks is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks and meets this finding.

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

According to the oak tree report, most of the subject site, west of the proposed house, is made up of scrub oak habitat. According to aerial photographs, the scrub on-site oak habitat is approximately 15,000 square feet. The proposed project requires the removal of 4 scrub oaks, which represents approximately 872 square feet of oak canopy. As a result, the proposed project would result in the loss of approximately 6% of the existing on-site oak canopy. Therefore, with 94% of the total hardwood canopy being retained, the proposed oak removal will have a minimal impact on the total hardwood canopy. Furthermore, the biological survey determined that there is no presence of nesting birds, Rare, Threatened or Endangered species on the subject site. Given these circumstances, the proposed project meets this finding.

Section 17.44.145 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Lot Merger** provided that the following findings are made:

1. *The lot merger is consistent with the Subdivision Map Act provisions;*

The proposed lots to be merged are contiguous parcels (lots 6 through 10 of Tract No. 8550) held by the same owner, as required by Section 66451.11 of the Subdivision Map Act. Furthermore, as required by the Subdivision Map Act, the existing lots are undeveloped. None of the existing lots meet the minimum lot size requirement for the RC zoning district, and four of the lots do not meet the minimum lot width. As a result, the current conditions exist as a legal non-conforming status. The proposed lot merger will create a single lot with 26,460 square feet and a lot width of 338 feet. Consequently, the new merged lot will be in significantly greater compliance with the size standards of the CMC and ensures that all development meets required setbacks, lot coverage, floor area ratio and landscape requirements. Given these circumstances, the proposed lot merger meets this finding.

2. *The lots to be merged at the time of merger are under common ownership;*

The proposed lot merger meets this finding because all five lots are owned by Marcin Jagoda, Andrzej Jagoda and Halina Jagoda, as confirmed by the most current Title Report. Furthermore, the conditions of approval require the applicant to submit a current Title Report to confirm ownership at the time of recordation of the final map.

3. *The lots as merged will not be deprived of legal access as a result of the merger and access to the adjoining lots will not be restricted by the merger;*

The proposed lot merger meets this finding because the proposed merged lot will have more than 200 feet of frontage along Fern Trail, which is a private driveway. Furthermore, necessary easements have been recorded along Fern Trail to allow for shared access, and maintenance of the driveway by, all abutting property owners.

4. *Lot mergers may only be approved provided that dedications or offers of dedication to be vacated or abandoned by the merger are unnecessary for present or future public use; and*

The proposed lot merger meets this finding because the existing 15-foot wide street easement does not have connectivity with a public right-of-way, and is no longer necessary due to the privatization of Fern Trail via approval of Parcel Map 381-057 in 2012. The proposed lot merger and related summary vacation of the existing street and public right of way easement are consistent with the City's Circulation Element as the existing, undeveloped easement and public right of way are not necessary for public travel and do not facilitate access to the rest of the Calabasas Highlands.

5. *Lot mergers may only be approved provided that dedications or offers of dedication which are necessary for present or future public use are reserved in the merger.*

The proposed lot merger meets this finding because the site does not contain any dedications or offers of dedication that would be impacted by the proposed lot merger.

Government Code Section 65402 and chapter 4 of part 3 of division 9 of the Streets and Highway Code require that the City Planning Commission evaluate the proposed **Summary Street Vacation** of Fern Trail and a 15-foot wide street easement for conformance with the Calabasas 2030 General Plan:

1. *The request for a Summary Street Vacation of a 2,535 square-foot area of Fern Trail and a 15-foot wide street easement along the north property line of the subject site is consistent with the Calabasas 2030 General Plan in the following ways.*

Fern Trail was a 15-foot wide unimproved public right-of-way prior to the construction of the three new homes to the north of the subject site. Additionally, a 15-foot wide street easement was recorded on all five lots of the subject site in order to allow for the construction of a 30-foot wide future street. However, half of Fern Trail was turned into a private driveway with the approval and subsequent recordation of Parcel Map 381-057 (for the construction of the three homes). As a result, although Fern Trail was

constructed as a 20-foot wide private driveway, a 7.5-foot wide portion that fronts the subject site remains part of the public right-of-way. The proposed street vacation would vacate and privatize the remaining 7.5-foot wide portion of Fern Trail and the 15-foot wide street easement on the subject site.

The Circulation Element of the General Plan addresses the transportation system that supports physical mobility within and through the City. A key element of the City's transportation system is the road way network. The Circulation Element recognizes the need to balance an expanding road way network with preservation of the character and environment of the area. As a dead-end private driveway, Fern Trail provides access from Summit Drive and only serves the subject site and the three homes to the north. The existing dead-end private driveway terminates approximately 100 feet from the west property line of the subject site. Extending Fern Trail to connect to any other street is not feasible due to steep topography and scrub oak habitat. As a result, there is no future plan to construct a connecting road between Summit Drive and public right-of-ways to the west of the subject site. Furthermore, parcels to the west of the subject site will maintain street frontage along Canyon Drive and Elsie Dr.

Because Fern Trail and the adjacent street easement are not identified as a collector street or arterial street in the General Plan, it is not a necessary component in the City's circulation system. The requested vacation is also consistent with the City's Circulation Element as the existing, undeveloped easement and public right of way are not necessary for public travel and do not facilitate access to the rest of the Calabasas Highlands. Furthermore, vacation of the street right-of-way and street easement will accommodate the project development in the manner depicted on the plans, and per the descriptions within this resolution; with said development determined to be consistent with the 2030 General Plan in preceding sections of this resolution.

Policy VI-1 states "Avoiding adverse impacts to sensitive environmental features and residents' quality of life are higher priorities than improving traffic levels of service". The proposed vacation is intended to allow the proposed house and associated improvements to be located on existing, graded areas of the site, thereby minimizing the grading associated with the project and minimizing impacts to sensitive environmental aspects of the site, including the hillside and adjacent open-spaces areas. The requested street vacation will minimize adverse impacts to the sensitive and protected environment on and near the project site, therefore the vacation of the requested portion of Fern Trail and the street easement is consistent with the 2030 General Plan.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission recommends to the City Council approval of File No. 170000993 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. 170000993 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No 170000993 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Marcin Jagoda (applicant) and Marcin Jagoda, Andrzej and Halina Jagoda (owner) and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. 170000993 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 170000993 and the issuance of any permit or entitlement in connection therewith Marcin Jagoda (applicant) and Marcin Jagoda, Andrzej and Halina Jagoda (owner) and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department

Planning Division:

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped "Approved" by staff on the approval date. Any modifications to

these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field.

Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

3. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
4. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
5. 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.
6. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
7. Construction Activities:

Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent property owners. The applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

8. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60

watts incandescent or less on residential projects is exempt by the Lighting Ordinance.

9. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such MWELo compliant plans and to the satisfaction of the Director of Community Development or his/her designee.
10. All ground mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof. Roof mounted equipment shall not be allowed.
11. All utilities shall be underground. Overhead utility connection is prohibited.
12. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
13. 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
14. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.
15. The applicant shall submit a final utility plan to the Planning Division for review and approval prior to the issuance of a grading or building permit. The utility plan shall show the location of all existing utilities and routes for connection, as approved by local utility companies, to said utilities.
16. An encroachment permit shall be required for the installation of utilities within the public right-of-way.
17. An oak tree permit shall be required for any utility and/or fire hydrant installation (including trenching) that occurs within the protected zone of an oak tree. The

final utility plan shall show all oak trees and corresponding protected zone in the vicinity of the utility installation.

18. Land clearing activities shall only occur during September 30 through January 1. If clearing cannot be accomplished during September 30 through January 1, then a nesting survey shall be conducted by a qualified biologist. Any nest discovered during the survey shall be avoided during construction as directed by a qualified biological monitor who is onsite during land clearing activities.

Oak Trees

19. The applicant is permitted to encroach into the protected zone of 4 scrub oaks, as shown in the Oak Tree Report, dated July 10, 2017.
20. The applicant is permitted to remove the following scrub oaks, as shown in the Oak Tree Report dated July 10, 2017: nos. 21-24 (44 trunk diameter inches of scrub oak).
21. In order to offset the loss of the above mentioned oaks, the applicant shall plant 44 inches in trunk diameter of scrub oak (23 24-inch box oak trees). All mitigation Oak trees shall be planted on-site if feasible. If it is not feasible to plant all mitigation Oak tree on-site, then the applicant shall plant the mitigation trees in a viable off-site location approved by the Community Development Director in consultation with the City Arborist or pay a fee in-lieu of mitigation into the City's Oak Tree Mitigation fund to be used for future mitigation efforts. The applicant shall be responsible for the monitoring and maintenance of the replacement trees for a minimum of five (5) years. If any replacement tree(s) dies during the five-year period, the applicant shall plant new replacement trees and the five-year monitoring period shall begin again from the date of planting for the replacement Oak.
22. Prior to the issuance of a grading or building permit, the applicant shall submit an Oak tree mitigation plan for review and approval by the Community Development Director. The mitigation plan shall include a plan for planting and establishment of mitigation trees, including the size, species and location, and a monitoring and maintenance schedule. The mitigation plan shall be prepared by the project's Oak tree preservation consultant in accordance with the requirements outlined in the City's Oak Tree Prevention and Protection Guidelines.
23. All mitigation work shall be completed and in-lieu fees paid prior to the issuance of a Final Certificate of Occupancy.
24. Prior to the issuance of a grading or building permit, the applicant shall submit a monitoring plan consistent with the applicant's oak tree consultant's recommendations and the City's Oak Tree Preservation and Protection Guidelines for all encroached upon trees. The plan should propose quarterly monitoring of encroached upon trees for an initial period of three years, followed

by two additional years of bi-annual monitoring. Any tree that fails as a result of the project shall be replaced. Pruning of any scrub oak shall be prohibited except for fuel modification purposes, and shall be limited to the minimum amount necessary to meet LA County Fire Department requirements. The annual monitoring shall include the status of scrub oaks within the fuel modification zone.

25. Prior to the issuance of a grading or building permit, the applicant shall submit a refundable security deposit (or other surety), in an amount equal to the PRC value of the impacted oak trees plus the cost of planting and possible replacement, to be deposited in trust with the City of Calabasas. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.
26. Copies of the following shall be maintained on the site during any work to or around the oaks: Oak tree report; Oak tree permit, including conditions of approval; City Oak Tree Preservation Guidelines; Oak Tree Ordinance No. 2001-166; and approved oak tree plan, landscape plan and site plan.
27. No chemicals or herbicides shall be applied to the soil surface within 100 feet of an oak tree's aerial/root zone (i.e., root protection zone).
28. Prior to the issuance of a grading permit, the applicant shall submit a copy of the Oak Tree Fencing Plan to the Community Development Director for review and approval. The applicant shall notify the City a minimum of 48 hours prior to the start of any work so that the City may inspect the placement of the Oak tree protective fencing.
29. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
30. The oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.
31. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
32. The area within the protective fencing shall not be used at any time for material or equipment storage and parking.

33. The applicant shall adhere to the specific recommendations contained within the Oak Tree Report dated July 10, 2017, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the above permit conditions. If any work was performed in a manner not in conformance with these conditions of approval then the applicant's oak tree consultant shall identify the instance or instances of a deviation to any of these conditions.

Building and Safety Division:

34. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
35. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
36. The project is located within a designated A Very High Fire Hazard Severity Zone.

Public Works Department

Environmental Division:

37. 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.

38. 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.

39. Landscape areas should utilize a concave design to capture irrigation runoff and first $\frac{3}{4}$ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the roof and all hardscape areas is directed to landscaped areas.

40. Direct runoff from the driveway toward permeable areas and construct portions of the driveway from porous materials.

41. 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.

42. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street (public or private).

43. 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.

44. 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.

Engineering Division:

Street Improvements

45. 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.
46. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
47. Any proposed roadway improvements shall be approved by the County of Los Angeles Fire Department and the City Engineer prior to the Issuance of a Grading Permit.
48. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's access driveway, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
49. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
50. The applicant shall repair any broken or damaged curb, gutter, or pavement on Fern Trail along the project frontage to the satisfaction of the City Engineer.

Mapping and Related Documents

51. A Parcel Merger shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.
52. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.

53. The approved Parcel Merger and Summary Street Vacation shall be recorded with the County of Los Angeles prior to the issuance of a Certificate of Occupancy.

Grading, Drainage, and Geotechnical Conditions

54. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the City 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 the proposed residential construction. The plans should include, but not 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, over-excavation requirements contained therein. The plan should include all laterals and utility lines including sewers and water lines. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations. The plans shall be prepared in accordance with the requirements of the City of Calabasas Public Works Department.

55. The plans shall be signed and stamped by geotechnical engineer to verify compliance of grading and foundation plans, including grading notes, with the engineer's recommendations

56. The applicant shall submit a Final Geotechnical Report prepared by a Geotechnical Engineer/Engineering Geologist. The report must specifically address the proposed improvement 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 the City of Calabasas Public Works department standards and requirements.

57. The Final Geotechnical Report shall address slope stability for all local slopes and temporary excavation conditions, any cut/fill conditions of the proposed project, and provide any recommendations necessary for stability and/or protection of vertical cuts. The Report shall provide recommendations specific to the process of slope removal and reconstruction.

58. The Final Geotechnical Report shall address specific requirements for select materials to be utilized for slope construction, including provisions for quality control and material stockpiling, to ensure that constructed condition of on-site fill materials will be consistent with shear strengths of material assumed in the approved engineering analysis.

59. Approved geotechnical/geology reports shall be listed on the grading and foundation plans.
60. The consultant of record shall observe and inspect all excavations and earthwork operations to determine that condition anticipated in the approved report have been encountered and to provide recommendations for corrections and elimination of all geologic hazards associated with the proposed development.
61. A temporary excavation plan shall be prepared to illustrate the removal of the on-site fills and unsuitable soils. The plan shall include the location of keyways, temporary excavations and stockpile locations for import and excavated materials, and should illustrate sequencing of grading, removals and remedial work. The temporary excavation plan shall be submitted to Public Works and reviewed and approved prior to the issuance of a grading permit.
62. 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.
63. 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.
64. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.
65. 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.
66. 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. 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.
67. An as-built report prepared by the geotechnical consultant must be submitted to the City for review. The report must include the results of all compaction tests as

well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removals bottoms, and location and elevations of retaining wall backfills and subdrain outlets.

68. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for adjacent retaining walls, slopes and property lines. Provide sections as necessary to clarify the depth and grade relationships of these excavations.
69. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
70. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
71. 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.
72. 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. A detailed design of project retaining walls shall be provided on the project Grading Plan(s) and associated structural drawings. Grading Plan(s) shall clarify locations and limits of retaining walls to be constructed in conjunction with rough grading. Any walls requiring construction during rough grading shall be submitted to Building and Safety Division for review and approval and are subject to the specific approval by the City Engineer. Building and Safety approval shall be obtained prior to issuance of a grading permit.
73. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading and drainage improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage device.
74. 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).
75. 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.

76. 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.
77. Approval of Rough Grading. The project Rough Grade Report, Rough Grade Certification 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, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
78. 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. 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.
79. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide as-built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
80. Final Grade Certification. Prior to Issuance of a Certificate of Occupancy, the applicant shall submit the Final Grade Inspection Verification Form certified by the project Civil Engineer, Geologist/Geotechnical Engineer, and Landscape Architect or property owner. Additional reports maybe requested prior to release of Occupancy. The Final Grade Inspection Verification Form shall be reviewed and approved by the City Engineer prior to Issuance of a Certificate of Occupancy for the project.
81. The applicant shall be responsible for the construction and maintenance of the proposed site improvements. A maintenance covenant shall be recorded against the property to ensure that project hardscape and drainage systems are properly maintained. Maintenance provisions shall be submitted by the applicant and approved by the City of Calabasas Public Works Department. Said covenant

shall contain provisions ensuring that proper maintenance is provided in perpetuity for the constructed improvements. Covenant shall additionally include provisions to maintain to reimburse the City for any repair or maintenance effort required of said facilities, as deemed necessary by the City due to failure of the property owners(s) to adhere to the provisions of said covenant. The determination of necessity shall be at the sole discretion of the City.

Utilities

82. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.
83. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.
84. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum lateral connecting proposed single family residence to the existing sewer main subject to the approval of the City Engineer.
85. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVWMD) prior to Issuance of a Building Permit. The applicant shall submit proof of payment of such fees to Public Works prior to the issuance of a Building Permit.

Hydrology and Drainage

86. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q₂₅). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the Capital Flood 50-year bulked and burned storm recurrence interval (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.

87. All drainage devices, pipes, and structures in the approved grading and drainage plan shall be the sole responsibility of the applicant to construct and the applicant shall maintain those devices, pipes and structures located on their property.
88. The applicant shall provide for the proper distribution of surface and subsurface drainage. Historic drainage patterns shall be maintained. Any drainage that is concentrated shall be properly dispersed in accordance with the hydrology/drainage study required herein.
89. 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. The Applicant shall design the final improvements such that no increase in runoff from the developed site shall occur.
90. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.
91. Hydrology and drainage calculations contained in the Final Drainage Study shall utilize tributary drainage flows and tributary areas as delineated in the latest version of the Calabasas Highlands Master Plan of Drainage.
92. The Final Drainage Study shall evaluate the effects of increased runoff due to the project's developed drainage condition on downstream properties, and provide recommendations for mitigating such effects with the design of on-site facilities.
93. The Final Drainage Study shall provide calculations for the dissipation of concentrated drainage at the project drainage outlets onto natural slope areas. Calculations shall reflect adequate dispersal and velocity reduction to the satisfaction of the City Engineer, and associated details shall be reflected on the Precise Grading and Drainage Plan(s).

Special Conditions

94. In accordance with City Municipal Code, only three Major Construction Projects (MCPs) are allowed to be active concurrently in the Calabasas Highlands. Therefore, no Building and Safety or Public Works construction permits may be obtained until the MCP is issued for the project in Calabasas Highlands Overlay Zone (review requirements set forth in the Ordinance No.2010-267).

95. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.

96. Applicant shall comply with all state requirements for construction within a special studies zone. Copies of the approved by the City Engineer geology report must be sent to the state geologist by the applicant prior to final Certificate of Occupancy.

Traffic Division:

97. The applicant shall pay the citywide traffic fees of \$1,230/unit.

98. The project shall adhere to the City's driveway policies in Section 17.28.080 of the CMC.

Los Angeles County Fire Department

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

Section 5. All documents described in Section 1 of PC Resolution No. 2018-660 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2018-660 PASSED,
APPROVED AND ADOPTED this 5th day of April, 2018

Dennis Washburn
Chairperson

ATTEST:

Maureen Tamuri, AICP
Community Development Director

APPROVED AS TO FORM:

Matthew T. Summers

Assistant City Attorney
Colantuono, Highsmith & Whatley, PC

Planning Commission Resolution No. 2018-660, was adopted by the Planning Commission at a regular meeting held April 5, 2018, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

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

The plans included in Exhibit B of Attachment D are copy-right protected under Federal law, and for that reason, cannot be reproduced or published. However, the plans may be viewed at City Hall by contacting Planning Department staff during normal office hours at (818) 224- 1600.

EXHIBIT A-1
LEGAL DESCRIPTION

PARCEL 1:

LOTS 6 THROUGH 10 OF BLOCK 21 OF TRACT NO. 8550 IN THE CITY OF CALABASAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 109, PAGES 77 THROUGH 80 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH:

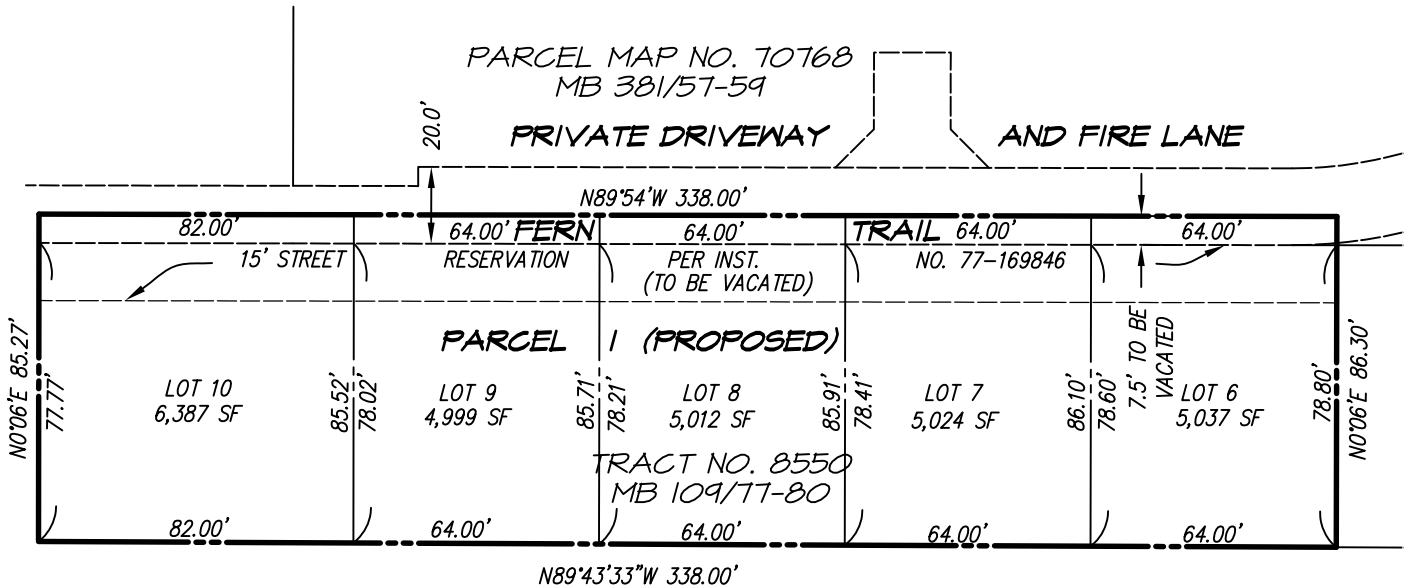
THE SOUTHERLY 7.5 FEET OF FERN TRAIL ADJACENT TO SAID LOTS 6 THROUGH 10 AS SHOWN ON SAID TRACT MAP.

CONTAINING 28,995 SQUARE FEET, MORE OR LESS

EXHIBIT "B"

PARCEL MERGER

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION



PROPOSED AREA:

PARCEL 1 (WITH VACATION FERN TRAIL) 28,995 SF
PARCEL 1 (WITHOUT VACATION) 26,460 SF

EXISTING AREAS:

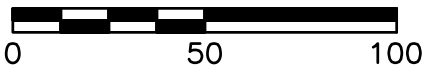
LOT 6 5,037 SF
LOT 7 5,024 SF
LOT 8 5,012 SF
LOT 9 4,999 SF
LOT 10 6,387 SF



LEGAL DESCRIPTION:

LOTS 6 THROUGH 10, TRACT NO. 8550
MB 109/77-80

GRAPHIC SCALE 1"=50'



Prepared by:

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PREPARED FOR:
ANDREW JAGODA
4554 ELLENITA AVE.
TARZANA, CA. 91356

Photos of the Site and Surrounding Properties



View of the subject site, standing on Fern Trail facing south



View of the subject site and story poles, from Summit facing west



View of the subject site with story poles, from Fern Trail facing east



View of 23755 Fern Trail, two-story homes across from the subject site



View of 23745 Fern Trail, two-story homes across from the subject site



View of 23735 Fern Trail, two-story homes across from the subject site

OAK TREE REPORT

Project Location:
APN 2072-018-022
Fern Trail Drive
Calabasas Highlands
Calabasas, CA 91302

Prepared for Owner/Applicant:
Andrew Jagoda
AJ Engineering and Construction
4554 Ellenita Avenue
Tarzana, CA 91356
818.987.5700

July 10, 2017

Report Submitted By:
CRAIG CROTTY
ARBOR CULTURE LLC
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COMMUNITY DEVELOPMENT
PLANNING DEPT.

OAK TREE REPORT

Revised October 23, 2017

Re: New Single Family Residence

APN 2072-018-022

Fern Trail Drive

Calabasas Highlands

Calabasas, CA 91302

INTRODUCTION

This Oak Tree Report is prepared on behalf of Andrew and Marcin Jagoda applicants for construction of a single family residence identified by Los Angeles County APN 2072-018-022. The property is located on Fern Trail Drive in the Calabasas Highlands neighborhood of City of Calabasas, CA 91302.

One single family dwelling is proposed for this lot. The lot is situated on sloping terrain in an existing residential neighborhood. The lot is vacant land abutted by single family residences to the east and north; it is bordered by more vacant land to the south and west. It slopes downhill from Fern Trail Drive to the south. Retaining walls will be placed above and below the proposed residence.

The proposed construction requires grading and excavation for retaining walls within Oak Protection Zones.

Eight Oak trees, *Quercus species*, were identified and tagged on and near this property. A total of four scrub oak trees would be removed due to the construction. The four Oaks proposed for removal are smaller multi trunk scrub habitat at the east end of a much larger group of scrub oaks. These scrub oaks range in height from six to ten feet. They are not large trees but the eastern edge of a larger scrub oak group.

The trees could be replaced with mitigation plantings of new Oak trees on an inch for inch basis (see Mitigation Recommendations).

Trees to be removed due to the proposal are:

- Four Scrub Oaks, *Quercus berberidifolia*
 - Tree #21 multi trunks of 3-2-2-2-2 in. dia./cumulatively 13 inches
 - Tree #22 multi trunks of 4-3-3-2-2 in. dia./cumulatively 14 inches
 - Tree #23 multi trunks of 3-3-2-2-2 in. dia./cumulatively 12 inches
 - Tree #24 multi trunks of 2-2-1 in. dia./cumulatively 5 inches

Tree to be encroached and retained due to the proposal is:

- One Scrub Oak, *Quercus berberidifolia*
 - Tree #20 multi trunks of 6-6-6-5 in. dia./cumulatively 23 inches

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Encroachment is grading or excavation within the tree protection zone of the dripline plus five feet. Encroachment impact to tree health can be minimized by the placement of tree protection fencing, crown clearance pruning and/or root pruning as necessary.

Oak trees to be removed due to proposed construction will be mitigated with replacement trees per the Oak Tree Ordinance and on an inch-for inch basis. Replacement trees may be placed on site or at other locations at the direction of the City.

ORDINANCE AND GUIDELINES

Oak Trees within the City of Calabasas are considered a valuable aesthetic and ecological contributor to the quality of life and welfare of the community. The health and well being of the indigenous Oaks is protected by City Ordinance. Potentially harmful construction activity, along with other activities, is limited and delineated by the Ordinance.

Oak Tree Guidelines describes tree protection zones of 5 feet beyond the dripline or 15 feet from tree trunks for trees over two inches in diameter at 4.5 feet above grade. The applicant/developer of the project should obtain a copy of the City of Calabasas Oak Tree ordinance and guidelines and be familiar with conditions and requirements stated therein. A breach of the Oak Tree ordinance during any site work may result in stop work orders, citations, and suspension of building permits.

JUSTIFICATION STATEMENT

The proposed removal of four scrub oak habitat edge trees and encroachment of one protected scrub oak tree would likely prohibit a reasonable and conforming use of this property in the form of one single family residence.

SCOPE OF REPORT

This report includes field observations, descriptions, photos and approximate locations of affected indigenous Oaks. A Tree Plan is included. All quantitative measurements are estimated except where trunk diameters are physically measured. The Scrub Oak habitat to the west of the residence is estimated as to size and approximate location.

ENVIRONMENTAL SITUATION

The trees discussed in this report are Scrub Oaks (*Quercus berberidifolia*). The Scrub Oak trees vary in size where individual trees are larger and habitat trees are smaller overall and made up of collections of smaller trunks. Individual data is located in the Field Data Sheets for each tree.

IMPACT SUMMARY:

Removal of four Scrub Oaks along the east edge of the habitat

Scrub Oak #21 -13 inches dia. (cumulative) Remove due to proposed excavation

Scrub Oak #22 -14 inches dia. (cumulative) Remove due to proposed excavation

Scrub Oak #23 -12 inches dia. (cumulative) Remove due to proposed excavation

Scrub Oak #24 -5 inches dia. (cumulative) Remove due to proposed excavation

Excavation and grading for installation of a retaining wall along the east edge of this scrub oak habitat is proposed. Clearance pruning and/or root pruning may be required and should be monitored by the Oak Tree Consultant or city representative. The habitat should be fenced and a barrier to stop soil from travelling down slope should be installed.

Encroachment of one Scrub Oak

Scrub Oak #20

Encroachment of Tree #20 is by excavation and grading within the west and south protection zones. Clearance pruning and/or root pruning may be required and should be monitored by the Oak Tree Consultant or city representative. The tree should be fenced for protection as possible.

Note: Individual trees are described in detail in the Field Data Sheets for Trunk Diameter, Crown Size, Condition Ratings, Physical and Horticultural Evaluation and located on the Tree Plan corresponding to numbering tag affixed in the field.

RECOMMENDATIONS

Scrub Oak Tree Number 20, *Quercus berberidifolia*, is encroached and to be preserved during grading and construction of a retaining wall. Encroachment is planned to come within several feet of the trunks of this tree.

Chain link protection fencing, hand grading within tree protection zones (TPZ) with hand tools only, root pruning with hand tools, and on site supervision by the Oak Tree Consultant as required in the City Oak Tree Guidelines are methods that can help preserve the Scrub Oaks. Avoid unnecessary construction activity within the protection zones of Oak Trees to remain. No work or construction activity of any kind, other than tree preservation treatments, should take place within the Oak tree protected zones.

1. Chain link protection fencing (minimum five feet high) should be placed before grading and excavation begins. The fence should not to be moved or entered without previous agreement of the Oak Tree Consultant. Fences should remain in place until the project is completed or removed for necessary work at the direction of the Oak Tree Consultant. Signage per City of Calabasas Oak Tree Guidelines shall be placed on the fence.
2. Fences for off-site trees should be placed along the interface with the project to preclude construction impacts. Due to terrain and property ownership there is no probability of site work beyond the off-site trees Oaks #17-#18-#19-#20.
3. A certified arborist shall be present during removal of Scrub Oaks #21-22-23-24 and installation of tree protection fencing.
4. Hand grading is recommended within tree protection zones (TPZ) defined as the dripline plus five feet.
3. Root pruning may be done with sharp hand tools as necessary.
5. Work within Tree Protection zones should be monitored by the Oak Tree Consultant as required in the City Oak Tree Guidelines. The project arborist shall be present during installation of replacement trees.
6. No heavy motorized equipment should be used within the tree protection zones. Excavation, grading, or trenching within the tree protected zones should be done by hand in the presence of the project Oak Tree Consultant.
7. Utility trenching should all be routed away from Oak trees to remain.
8. Implementing and maintaining favorable cultural conditions around Oak trees is the key to tree health. Irrigation is necessary for establishment.

MITIGATION SUMMARY: (Recommendations only)**Replacement of four Scrub Oaks**

(Replace with *Q. agrifolia* or *Q. lobata*) Minimum replacement inch for inch

Scrub Oak #21 13.0 inches dia.

Scrub Oak #22 14.0 inches dia.

Scrub Oak #23 12.0 inches dia.

Scrub Oak #24 5 inches dia.

Total: **44 dia. inches =23 each-24 in. box replacement trees**

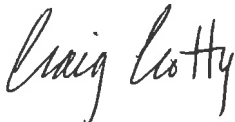
Note: The above are recommendations per City Oak Tree Guideline requirements. All recommended replacement mitigation is subject to the final approval of City of Calabasas representatives and may be amended or increased on demand.

If conditions of the site preclude placement of all the required mitigation trees, the trees may be transferred to the City of Calabasas for placement elsewhere as deemed appropriate by the City.

Mitigation Recommendations:

Twenty three new twenty-four inch box *Quercus species* are recommended to be planted as mitigation replacements. Recommended replacement species is *Quercus berberidifolia*. *Quercus agrifolia* or *Quercus lobata* may be substituted. As many replacement trees as possible should be located within the site, or if space is too limited, the replacement trees may be purchased and transferred to the City to be placed at locations off site. Any replacement trees should have an establishment maintenance period of two years.

- The replacement trees should be healthy nursery stock, planted correctly, and maintained for a two-year establishment period. Any mitigation tree not vigorously thriving at the completion of the two-year establishment period must be replaced and a new tree and establishment period begun from the date of replacement. Judgment of tree vigor should be made by the Project Oak Tree Specialist or City representative.
- Replacement trees should receive regular irrigation as dictated by soil moisture, seasonal dormancy and weather conditions.



Craig Crotty, Consulting Arborist

Supplemental Information:

- Tree Plan
- Field Data Sheets
- Photographs (six pages)
- Assumptions and Limiting Conditions
- Oak Tree Consultant Agreement

CRAIG CROTTY ARBOR CULTURE LLC

FIELD DATA SHEET-VISUAL INSPECTION FROM GRADE

TREE NUMBER	17	18	19	20
TRUNK DIAMETER (INCHES)	10@2 in. ea.	8-6	10	6-6-6-5
CROWN SPREAD (N-S-E-W in FEET)	10-8-10-14	12-18-12-10	12-12-0-12	12-13-14-14
HEIGHT (ESTIMATE in FEET)	10	12	14	14
PHYSICAL CONDITION				
TRUNK LEAN				
TRUNK CAVITY				
TRUNK WOUND				
DAMAGED / DEAD STRUCTURAL ROOT				
FILL SOIL AT ROOT CROWN		X	X	
WEAK TRUNK / BRANCH ATTACH				
PREVIOUS FAILURES				
BRANCH CAVITY				
BRANCH WOUND		X	X	X
EXCESSIVE END WEIGHT				
DEAD & BROKEN BRANCHES / HANGER		X	X	X
THIN FOLIAGE				
BRANCH TIP DECLINE				
LEAF COLOR				
PRUNING DAMAGE				
INSECT DAMAGE IN CROWN				
BORERS / TERMITES				
MUSHROOMS / CONKS				
CANKERS / TRUNK OOZING				
DROUGHT DAMAGE				
OBSERVATIONS				
REMOVE	NO	NO	NO	NO
CONSTRUCTION ENCROACHED	NO	NO	NO	YES
RELOCATE ON SITE				
UNSUITABLE FOR RELOCATION				
PEST / DISEASE TREATMENT				
RESTORE ORIGINAL GRADE		X	X	
ADJUST IRRIGATION/ UNDERSTORY				
AERATE / APPLY MULCH				
MAINTENANCE PRUNING				
RISK LEVEL				
LOW RISK	X	X	X	X
MODERATE RISK				
HIGH RISK				
RATING A-B-C-D-F				
HEALTH	C	B	B	B
STRUCTURE	B	B	B	B
AESTHETICS	C	B	B	B
OVERALL RATING	C	B	B	B
SPECIES COMMENTS				
TREE NO. 17 Quercus berberidifolia located off site to the south, shrubby collection of small trunks				
TREE NO. 18 Quercus berberidifolia located off site to the east above, part of one mass with #19				
TREE NO. 19 Quercus berberidifolia located off site to the east above, part of one mass with #18				
TREE NO. 20 Quercus berberidifolia located at the NE corner of the site, encroached by retaining walls and drainage				
TREE NO.				

CRAIG CROTTY ARBOR CULTURE LLC
FIELD DATA SHEET-VISUAL INSPECTION FROM GRADE

TREE NUMBER	21	22	23	24
TRUNK DIAMETER (INCHES)	3-2-2-2-2-2	4-3-3-2-2	3-3-2-2-2	2-2-1
CROWN SPREAD (N-S-E-W in FEET)	12-7-6-6	9-8-8-8	9-7-9-8	4-6-5-5
HEIGHT (ESTIMATE in FEET)	8	10	8	6
PHYSICAL CONDITION				
TRUNK LEAN				
TRUNK CAVITY				
TRUNK WOUND				
DAMAGED / DEAD STRUCTURAL ROOT				
FILL SOIL AT ROOT CROWN				
WEAK TRUNK / BRANCH ATTACH				
PREVIOUS FAILURES				
BRANCH CAVITY				
BRANCH WOUND				
EXCESSIVE END WEIGHT				
DEAD & BROKEN BRANCHES / HANGER	X	X	X	X
THIN FOLIAGE				
BRANCH TIP DECLINE				
LEAF COLOR				
PRUNING DAMAGE				
INSECT DAMAGE IN CROWN				
BORERS / TERMITES				
MUSHROOMS / CONKS				
CANKERS / TRUNK OOZING				
DROUGHT DAMAGE				
OBSERVATIONS				
REMOVE	YES	YES	YES	YES
CONSTRUCTION ENCROACHED				
RELOCATE ON SITE				
UNSUITABLE FOR RELOCATION				
PEST / DISEASE TREATMENT				
RESTORE ORIGINAL GRADE				
ADJUST IRRIGATION/ UNDERSTORY				
AERATE / APPLY MULCH				
MAINTENANCE PRUNING				
RISK LEVEL				
LOW RISK	X	X	X	X
MODERATE RISK				
HIGH RISK				
RATING A-B-C-D-F				
HEALTH	C	C	C	C
STRUCTURE	C	C	C	C
AESTHETICS	C	C	C	C
OVERALL RATING	C	C	C	C
SPECIES COMMENTS				
TREE NO. 21 <i>Quercus berberidifolia</i> located west of proposed site work, retaining wall conflicts				
TREE NO. 22 <i>Quercus berberidifolia</i> located west of proposed site work, retaining wall conflicts				
TREE NO. 23 <i>Quercus berberidifolia</i> located west of proposed site work, retaining wall conflicts				
TREE NO. 24 <i>Quercus berberidifolia</i> located west of proposed site work, retaining wall conflicts				
All four trees are low scrub oaks located along the edge of a larger scrub habitat to remain.				



Looking west down fern Trail to the site left of the parked van. Three new homes are at right.



Looking north shows the site as vacant land with some oak trees around the perimeter.

The construction trailer is approximately the new driveway location.

Oak #20 (arrow) would be encroached by a retaining wall; the scrub habitat at left would have four multi trunk trees removed along the construction interface.



Scrub Oak #17 is located beyond the south property boundary. Photo looks south. It is not encroached by construction and should be protected by fencing.



Scrub Oaks #18 (right) and #19 (left) are located above the east property boundary. They are not encroached by construction and should be protected by fencing. Looking NNE.



Scrub Oak #20 is located near the east property boundary above the site, Fern Trail Dr., and previous retaining wall. It is encroached by a new retaining wall and drain line within the west protection zone/dripline. Grade cuts should be done by hand and monitored. Looking east.



Looking north, Scrub Oak #20 will be encroached by grading, retaining wall and drainage. This tree is likely to tolerate planned encroachments as it has previous encroachment by the road.



The east edge of the larger group of scrub oak habitat delineated approximately by the arrow would lose four edge trees #21-22-23-24. Two parallel retaining walls of approx. five feet are proposed. Loss of these four trees would constitute less than ten percent of the scrub habitat.



Looking north, four edge trees would be removed for retaining walls.



Scrub Oak #21 is proposed for removal.



Scrub Oak #22 is proposed for removal.



Scrub Oak #23 is proposed for removal.



Scrub Oak #24 is proposed for removal.

- **The habitat to remain below should be fenced to protect from construction.**
- **A barrier should be placed along the bottom of the protection fence to stop soil from sloughing down slope over the root zones of tree to remain.**
- **Excavation for the retaining wall should be monitored by a project arborist or City representative.**
- **Root pruning (clean cut) should be done to any broken root ends.**

Assumptions and Limiting Conditions

The Consulting Arborist has no past, present or future interest in this property or the subject trees. Opinions contained herein are the independent and objective judgment of the Consultant relating to circumstances and observations made on the subject site.

The Consulting Arborist shall not be required to give testimony, perform site monitoring, provide further documentation, be deposed, or to attend any meeting, court or hearing, without subsequent contractual arrangements for this additional employment, including payment of additional fees for such services as described by the Consultant.

The recommendations contained in this report are the opinions of the Consulting Arborist at the time of inspection. These opinions are based on the knowledge, experience, and education of the Consultant. The field inspection was a visual, grade level tree assessment.

No warranty is made, expressed or implied, that problems or deficiencies of the trees or the property will not occur in the future, from any cause. The Consultant shall not be responsible for damages or injury caused by any tree defects and assumes no responsibility for the correction of defects or tree related problems.

It is assumed that statements of fact regarding property ownership, property boundaries, exact tree and structure locations are as representedby the client, in all verbal, written or drawn communications. The Consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.

It is assumed that any property referred to in this report is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.

This report may not be reproduced without the express permission of the Consulting Arborist and the client to whom the report was issued. Any change or alteration to this report invalidates the entire report.

Client/Applicant _____ Date _____

**CRAIG CROTTY
ARBOR CULTURE LLC**

P.O. Box 246, Verdugo City, CA 91046 Ph. 818 636-4917
craigcrotty@arborconsultant.com

OAK TREE CONSULTANT AGREEMENT
for the City of Calabasas

_____ (Client) agrees to retain CRAIG CROTTY,
Consulting Arborist, as the Oak Tree Consultant (OTC) for the project located at

The undersigned agrees to notify the OTC at least 48 hours prior to commencement of any work within the protected zone. A site visit by the OTC and notification to the City of Calabasas is required for each of the following:

1. **Pre construction meetings regarding excavation and grading.**
2. **Any work within the Tree Protection Zones, defined as the tree dripline plus five feet.**
3. **Approved removal of Oaks in conflict with site improvements.**
4. **Check completion of protection fence installation and posting of signage.**
5. **Grading or excavation within tree protection zone (by hand with hand tools).**
6. **Root pruning or any crown pruning for clearance or otherwise.**
7. **Monitor and approve mitigation planting.**

It is the responsibility of the AOR to notify the County of any unsatisfactory conditions or of any non-compliance with the Conditional Use Permit or Oak Tree Permit. The undersigned agrees that the responsibilities of the AOR may also include periodic unannounced site visits to monitor compliance.

Client agrees to retain the Arborist of Record for the above listed tasks:

Client Signature _____ **Date** _____

Craig Crotty, Arborist Consultant

DATE: November 27, 2017

TO: Mr. Michael Klein

FROM: Noah Stamm, Arborist

**Subject: *Memo Letter: Site Plan Review Oak Tree Permit File Number 170000993
Review – 23742 Fern Trail, Calabasas, California***

Dear Mr. Michael Klein:

The purpose of this memo letter is to address the updated Arborist Report submitted by Craig Crotty of Arbor Culture LLC. on behalf of Andrew and Marcin Jagoda, property owners of 23742 Fern Trail, Calabasas, California. In August 2017, Dudek reviewed an Arborist report that was prepared for the property owners of the vacant lot at 23742 Fern Trail. Dudek also conducted a site evaluation of the vacant lot and the eight scrub oak trees that were identified in the Arborist Report. The applicants at 23742 Fern Trail are proposing to construct a single-family residence on the lot, which is situated between single-family residences to the east and north, vacant land to the south, and a scrub oak woodland to the west. After conducting the site visit, Dudek developed a report that included numerous recommendations that needed to be changed within the Arborist Report. These recommendations are listed below:

1. The arborist report is not consistent with the *Oak Tree Preservation and Protection Guidelines – Oak Tree Report, Section 2-G*. Update the report's health rating scale to be consistent with the rating scale identified in Section 2G. The Health and Vigor Rating section asks for an "A-F" rating scale, where "A" = outstanding, "B" = above average, "C" = average, "D" = below average/poor, and "F" = dead. Currently the arborist report has a rating scale of excellent-good-fair-poor.
2. Update the tree location map included in the arborist report to clearly illustrate which trees are going to remain on the property and which are going to be removed/relocated. Currently, all trees are represented on the tree location map by a dot next to the tree number. According to the *Oak Tree Preservation and Protection Guidelines – Site Plan and Oak Tree Map, Section 6 (Pg.20)*, trees to remain shall be identified with an "X", trees to be removed shall be identified with an "o" and trees to be relocated shall be identified with an "*".
3. Update the tree location map included in the arborist report to present Tree Nos. 21, 22, 23, and 24 as individual trees. Currently, Tree Nos. 21, 22, 23, and 24 are included

Mr. Michael Klein

Subject: **Memo Letter:** Site Plan Review Oak Tree Permit File Number 170000993 Review –
23742 Fern Trail, Calabasas, California

within the large cloud identifying the scrub oak woodland within 200 feet of the western property boundary.

4. Update the tree location map included in the arborist report to include the location of the tree protection fencing placement around Tree No. 17.
5. The project shall submit a Fuel Modification Plan to the correct Fire Authority to confirm the correct fuel modification requirements needed for this property.
6. The Mitigation Summary section of the Oak Tree Report, recommends twenty-one 24-inch box *Quercus species* be planted as mitigation replacements for the four scrub oaks that are proposed to be removed. The City requires that for every inch of tree, limb or root removed, a minimum of one inch must be replaced per the *City Oak Tree Guidelines: Section V. Conditions of Permit Approval – Subsection B (Pg.13)*. The composite summary of diameters of all trees proposed for removal is approximately 44 inches thus requiring the total of 23 replacement trees assuming that the 24-inch box trees have an individual minimum tree diameter of two inches each. Thus Dudek recommends that two additional 24-inch box *Quercus species* trees be planted, making for a total of twenty-three 24-inch box replacement trees and fulfillment of City replacement tree standards. Additional required specifications for replacement trees located in the *City Oak Tree Guidelines: Section VIII. Standards of Performance of Permitted Work, Subsection 7A-D*, shall be followed.

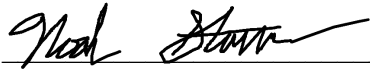
After review of the updated Arborist Report for 23742 Fern Trail, Mr. Crotty has completed all of the revisions that were recommended for both the Arborist Report and the tree location map. The updated Arborist Report includes a health rating scale that is consistent with the rating scale identified in Section 2-G, the tree location map shows protective fencing around Tree No. 17, and the Mitigation Summary has been changed to show twenty-three 24-inch box *Quercus species* be planted as mitigation replacements for the four scrub oaks that are proposed to be removed. Additionally, the tree location map has also been updated to show that Tree Nos. 21-24 have been individualized and the eight trees have been updated to show which are going to stay (“X”) and which are proposed to be removed (“O”). It is still recommended that a Fuel Modification Plan be submitted to the correct Fire Authority to confirm that the correct fuel modification requirements needed for the property.

Mr. Michael Klein

*Subject: **Memo Letter:** Site Plan Review Oak Tree Permit File Number 170000993 Review –
23742 Fern Trail, Calabasas, California*

The revised report is consistent with the requirements outlined in the City's Oak Tree Preservation Guidelines for the preparation of an oak tree report and accurately depicts impacts from the proposed project at 23742 Fern Trail. If you have any questions or require any additional information, please contact me at 760.642.8379.

Sincerely,



Noah Stamm, Calabasas Contract Arborist
ISA-Certified Arborist WE - 11995A

DATE: August 31, 2017

TO: Mr. Michael Klein

FROM: Noah Stamm

SUBJECT: *Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California*

Dudek evaluated the eight scrub oak trees included in a site Oak Tree Report for the construction of a single-family residence located at 23742 Fern Trail, on August 21, 2017. This statement of facts summarizes the results of Dudek's site plan and submitted permit report review, site and field assessment, current and potential impact details, and provides recommendations for future tree management.

APPLICANT BACKGROUND

An Oak Tree Report was prepared for the property owners of the vacant lot located at 23742 Fern Trail, in the Calabasas Highlands. The applicants are proposing to construct a single-family residence on the lot, which is situated between single-family residences to the east and north, vacant land to the south, and a scrub oak woodland to the west. The property slopes downhill from east to west and retaining walls are to be constructed above and below the proposed residence. The retaining walls will require grading and excavation within the Oak Protection Zones, located in the northeastern corner of the property, as well as along the western border of the property. The Oak Tree Report identifies eight Scrub Oak trees (*Quercus berberidifolia*) on or near the property. Three scrub oaks were identified as not being encroached upon by construction, but needing the installation of protection fencing; one scrub oak was identified as likely receiving encroachment impacts, but will be retained and protected by fencing; and four scrub oaks were identified as requiring removal due to construction impacts.

CITY REQUIREMENTS

Trees subject to City permit requirements include those defined by *Chapter 17.32.010.F of the City's Oak Tree Regulations Ordinance*. It states that the applicant shall submit an oak tree report, prepared by a city-qualified arborist. The exact information and format of the information required is described in the guidelines.

Mr. Michael Klein

Subject: Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California

1. An inventory of the individual oak trees and scrub oak habitat areas associated with the project;
2. An oak tree location map indicating the current topography and proposed grading plan, the tag number, exact trunk location, dripline, and protected zone of each oak tree within the project area, as well as the outline of proximate scrub oak habitat areas;
3. All proposed site development activities including, but not limited to, excavation for foundations, utility corridors and construction access routes;
4. Analysis of the potential impacts of the proposed development activities upon the oak trees and scrub oak habitat;
5. A mitigation program for the proposed impacts.

OBSERVATIONS

Based on City-provided information, Dudek visited the property on August 21, 2017. The site includes eight scrub oak trees located throughout the vacant property, including Tree no. 20 located in the northeastern corner of the property, Tree Nos. 18 & 19 located above and outside of the eastern property boundary, Tree No. 17 located outside the southern property boundary, and Tree Nos. 21, 22, 23, and 24 located on the western property boundary. Further west of Tree Nos. 21-24 is an extensive scrub oak woodland area. This scrub oak woodland area will not be encroached upon by the planned construction. Tree Nos. 21, 22, 23, and 24 will be removed due to the construction of two new retaining walls that will be installed along the western property boundary and tree preservation will not be possible. Tree Nos. 17, 18, and 19 will not be encroached upon by the construction. Tree No. 20's western crown will be encroached upon during the installation of a new retaining wall and drain line along the eastern property boundary. The oak trees meet the requirements of protected trees as defined by Chapter 17.32.010 on the Municipal Code.

Tree No. 17 is a ten-stemmed scrub oak located just beyond the southern property boundary line, with trunk diameters at standard height (DSH – 4.5 feet above ground) measuring two-inches for seven stems and one-inch for the remaining three stems. The tree is approximately 10-feet tall and has an estimated crown width of 12-feet across at its widest point. The tree exhibits fair health and structure, and was absent of pest

Mr. Michael Klein

Subject: Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California

infestation. The tree does not appear to have received any prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

Tree No. 18 is a two-stemmed scrub oak, located just beyond the eastern property boundary, next to Tree No. 19. The tree's trunk diameters are eight-inches and six-inches DSH. The tree is approximately 15-feet tall and has an estimated crown width of 15-feet across at its widest point. The tree exhibits fair health and structure, with multiple deadwood branches throughout the crown and was absent of pest infestation. The tree does not appear to have received prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

Tree No. 19 is a single-stemmed scrub oak, located just beyond the eastern property boundary, next to Tree No. 18. The tree's trunk diameter is nine-inches DSH. The tree is approximately 12-feet tall with an estimated crown width of 15-feet across at its widest point. The tree exhibits fair health and structure, with multiple deadwood branches throughout the crown and was absent of pest infestation. The tree does not appear to have received prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

Tree No. 20 is a four-stemmed scrub oak, located in the northeastern corner of the property boundary. The tree's trunk diameters are: three stems measured at six-inches and one stem at four-inches DSH. The tree is approximately 15-feet tall and has an estimated crown width of 18-feet across at its widest point. The tree exhibits fair health and structure, with multiple deadwood branches throughout the crown and was absent of pest infestation. The tree appears to have received very minor pruning in the past to allow for the installation of the retaining wall along Fern Trail on the north side of the trees crown, resulting in negligible branch removal (Less than five-percent of crown). Representative tree photographs are presented in Attachment 1.

Tree No. 21 is a six-stemmed scrub oak located along the western property boundary line, just north of Tree No. 22. The tree's stems' trunk diameters are: one stem measured at three-inches, three stems measured at two-inches, and two one-inch DSH stems. The tree is approximately 8-feet tall and has an estimated crown width of 15-feet across at its widest point. The tree exhibits good health and structure, and was absent of pest infestation. The tree does not appear to have received prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

Mr. Michael Klein

Subject: Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California

Tree No. 22 is a five-stemmed scrub oak located along the western property boundary line, just south of Tree No. 21 and north of Tree No. 23. The tree's trunk diameters measure: one at four-inches, two at three-inches, and two at two-inches DSH. The tree is approximately 10-feet tall and has an estimated crown width of 12-feet across at its widest point. The tree exhibits good health and structure, and was absent of pest infestation. The tree does not appear to have received prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

Tree No. 23 is a five-stemmed scrub oak located along the western property boundary line, just south of Tree No. 22 north of Tree No. 24. The tree's trunk diameters measure: two at three-inches and three at two-inches DSH. The tree is approximately 8-foot tall and has an estimated crown width of 12-feet across at its widest point. The tree exhibits fair health and structure, and was absent of pest infestation. The tree does not appear to have received prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

Tree No. 24 is a three-stemmed scrub oak located along the western property boundary line, just south of Tree No. 23. The tree's trunk diameters measure: two stems at two-inches and one stem at one-inch DSH. The tree is approximately 6-feet tall and has an estimated crown width of 10-feet across at its widest point. The tree exhibits good health and structure, and was absent of pest infestation. The tree does not appear to have received prior maintenance pruning. Representative tree photographs are presented in Attachment 1.

IMPACTS

Tree impacts, as discussed in this review, are based on the information provided to Dudek by the submitted application and on the results of Dudek's site evaluation on August 21, 2017. The applicant has proposed to install a retaining wall and drain line along the eastern property boundary, which will be encroaching upon the western and southern portion of Tree No. 20's root system. The encroachment is due to the required excavation and grading within the trees western and southern protection zones (5-feet beyond the dripline or 15-feet from tree trunks for trees over two-inches DSH). The Oak Tree Report states that clearance pruning and/or root pruning may be required for the installation of the retaining wall and drain line. Dudek observed and agreed that raising the canopy and possible root pruning may be required. The applicant has also proposed to install a retaining wall along the western property boundary, which will cause significant encroachment on Tree Nos. 21, 22, 23, and 24. The significant encroachment is due to the excavation and grading within the protection zones of these trees. The impact will lead to

Mr. Michael Klein

Subject: Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California

significant root loss, potentially to structural roots along with removal of more than 25-percent of the trees' crowns. The extent of the impact would require tree removal. The remaining scrub oak habitat located further west beyond Tree Nos. 21, 22, 23 and 24 is not anticipated to be impacted from proposed site activities.

Typically, a scrub oak can withstand a crown reduction and/or root encroachment of 20-25 percent combined total every two to three years. The historic pruning to Tree No. 20 was not observed to be excessive nor exceeding the generally excepted 20-25 percent crown reduction standard, estimated between three and five percent. Total amount of root loss is more difficult to estimate and trees' reactions to root loss may vary widely. However, because we estimate that less than 10% of the tree's roots may be impacted, it is unlikely that structural roots will be impacted, and based on the tree's health and good growing environment; the root loss is considered within acceptable levels.

RECOMMENDATIONS

Based on the review of the permit application and site evaluation, Dudek recommends the following:

1. The installation of protective fencing shall be installed at the outermost edge of the protected zone of each oak tree or group of trees prior to commencement of site construction. The fencing shall be a five-foot high chain link fence set in concrete footings with posts installed every eight feet and two feet deep. Tree Nos. 17, 18, and 19 are located beyond the property boundaries, however, protective fencing is recommended around the protection zone (fifteen-feet from trunk or five-feet outside the dripline of trees under 24-inches DSH) of these trees to minimize any encroachments. Due to the excavation and grading within Tree No. 20's western and southern protection zones, it is recommended that tree protection fencing be placed at the limits of planned disturbance to minimize additional encroachments. Also, a certified arborist shall be present during any work performed within the tree protection zone. Tree Nos. 21, 22, 23, and 24 shall be removed and a protective fencing is recommended to be placed around the scrub oak habitat just beyond the four trees that will be removed. A certified arborist shall be present during the removal of Tree Nos. 21, 22, 23, and 24 and installation of replacement trees.
2. The arborist report is not consistent with the *Oak Tree Preservation and Protection Guidelines – Oak Tree Report, Section 2-G*. Update the report's health rating scale to be consistent with the rating scale identified in Section 2G. The Health and Vigor Rating

Mr. Michael Klein

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section asks for an “A-F” rating scale, where “A” = outstanding, “B” = above average, “C” = average, “D” = below average/poor, and “F” = dead. Currently the arborist report has a rating scale of excellent-good-fair-poor.

3. Update the tree location map included in the arborist report to clearly illustrate which trees are going to remain on the property and which are going to be removed/relocated. Currently, all trees are represented on the tree location map by a dot next to the tree number. According to the Oak Tree Preservation and Protection Guidelines – Site Plan and Oak Tree Map, Section 6 (Pg.20), trees to remain shall be identified with an “X”, trees to be removed shall be identified with an “o” and trees to be relocated shall be identified with an “*”.
4. Update the tree location map included in the arborist report to present Tree Nos. 21, 22, 23, and 24 as individual trees. Currently, Tree Nos. 21, 22, 23, and 24 are included within the large cloud identifying the scrub oak woodland within 200 feet of the western property boundary.
5. Update the tree location map included in the arborist report to include the location of the tree protection fencing placement around Tree No. 17.
6. The project shall submit a Fuel Modification Plan to the correct Fire Authority to confirm the correct fuel modification requirements needed for this property.
7. The Mitigation Summary section of the Oak Tree Report, recommends twenty-one 24-inch box *Quercus species* be planted as mitigation replacements for the four scrub oaks that are proposed to be removed. The City requires that for every inch of tree, limb or root removed, a minimum of one inch must be replaced per the *City Oak Tree Guidelines: Section V. Conditions of Permit Approval – Subsection B (Pg.13)*. The composite summary of diameters of all trees proposed for removal is approximately 44 inches thus requiring the total of 23 replacement trees assuming that the 24-inch box trees have an individual minimum tree diameter of two inches each. Thus Dudek recommends that two additional 24-inch box *Quercus species* trees be planted, making for a total of twenty-three 24-inch box replacement trees and fulfillment of City replacement tree standards. Additional required specifications for replacement trees located in the *City Oak Tree Guidelines: Section VIII. Standards of Performance of Permitted Work, Subsection 7A-D*, shall be followed.

If the property owner and/or the tree contractor have any concerns regarding the direction provided in this recommendation, the City’s contract arborist will be available to provide

Mr. Michael Klein

Subject: Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California

direction on-site. The arborist or other City staff may be conducting a post-pruning tree evaluation to confirm that the pruning was completed as outlined.

Generally, scrub oaks do not require regular pruning. Pruning should only be completed to maintain clearance and remove broken, dead or diseased branches. Pruning should only take place following a recommendation by an ISA Certified Arborist and performed under the supervision of an ISA Certified Arborist. No more than 20-percent of the crown should be removed at any one time. All pruning shall conform to American National Standards Institute (ANSI) A-300 pruning standards.

CONCLUSION

In summary, Dudek evaluated eight scrub oak trees submitted under a site Oak Tree Report, Oak Tree Permit File Number 170000993, for a vacant lot construction of a single family residence. The trees were observed to be in fair health and structure. The proposed construction will not encroach upon Tree Nos. 17, 18, and 19, which are located outside of the property boundary, but these trees shall be protected by fencing once construction begins. Tree No. 20 will be encroached upon by the construction of a new retaining wall and drain line within the western protection zone/dripline of the tree. Grade cuts in the root zone should be completed using hand tools while being monitored by a certified arborist. Exposed roots will be root pruned. Protective fencing is recommended to be installed within the tree protection zone of Tree No. 20 to minimize any further damage to the trees roots during construction. Tree Nos. 21, 22, 23, and 24 will be removed due to the encroachment of two new retaining walls to be installed along the western property boundary. Once Tree Nos. 21, 22, 23, and 24 are removed, protective fencing is recommended to be installed within the tree protection zone of the scrub oak woodland located behind these four trees. The mitigation for the removal of the four scrub oak trees is insufficient with the City Oak Tree Guidelines. The submitted Oak Tree Report states that twenty-one new twenty-four inch box *Quercus Species* be planted, when there needs to be twenty-three new twenty-four inch box *Quercus species* planted to fulfil the City's requirements. Based on the review of the application and site evaluation it recommended that a revised arborist report containing the above-mentioned items be submitted in order to grant approval of the applied permit.

Mr. Michael Klein

Subject: Site Plan Review Oak Tree Permit File Number 170000993 Review – 23742 Fern Trail, Calabasas, California

If you have any questions or require any additional information, please call me at 760.642.8379.

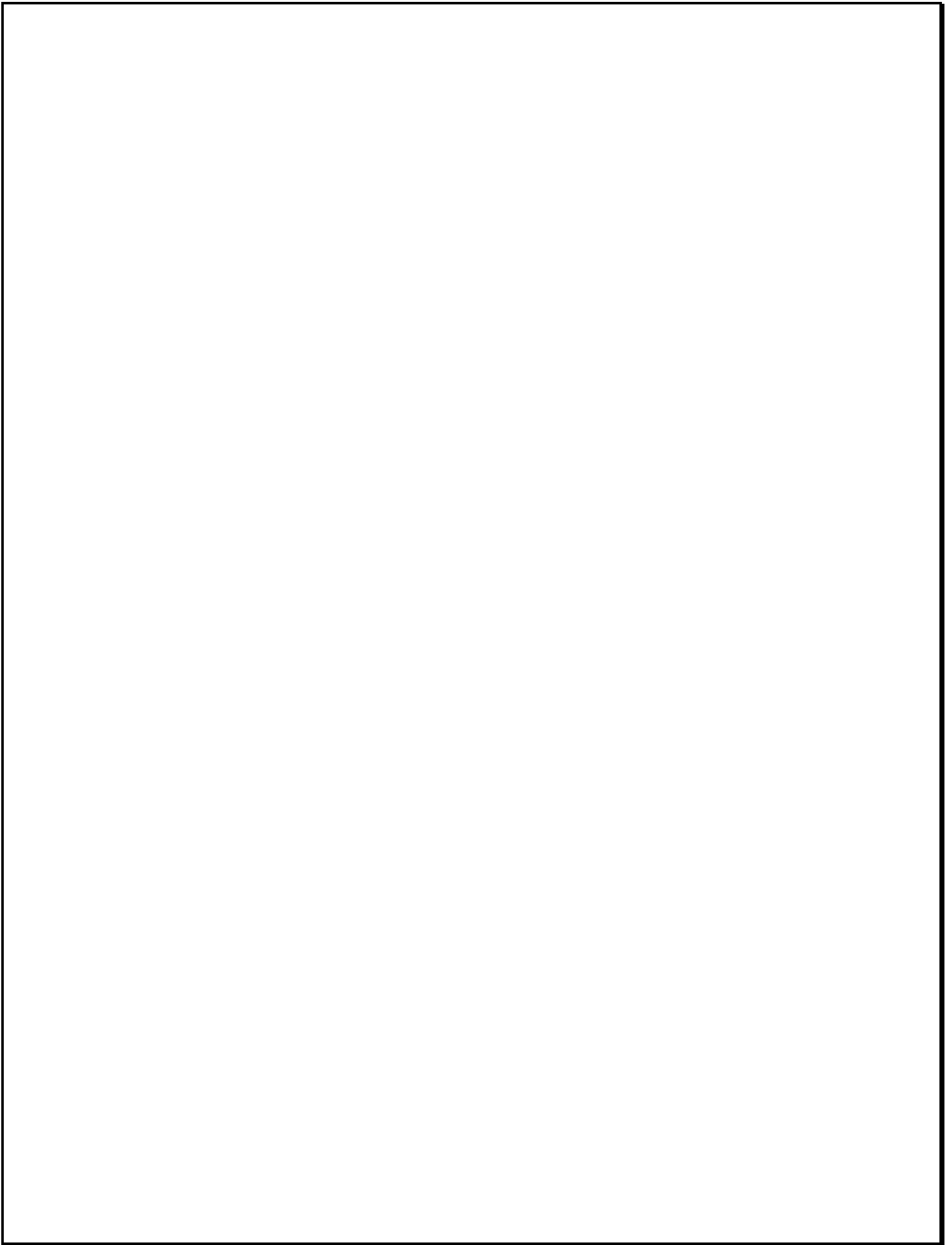
Sincerely,



Noah Stamm, Calabasas Contract Arborist
ISA- Certified Arborist WE- 11995A

Att: Attachment 1, Representative Site Photographs

ATTACHMENT 1
Representative Site Photographs



Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993

Representative Site Photographs



1. Overview of 23472 Fern Tr. property lot, standing in SW corner, view facing NE corner of property. Scrub oak Tree No. 20 is at northeast property boundary and will be encroached upon by a new retaining wall during construction.



2. Overview of 23472 Fern Tr. property lot, standing in SW corner, view facing NE corner of property. Scrub oak Trees No. 18 and No. 19 are located above eastern property boundary and will be protected by fencing.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993
Representative Site Photographs

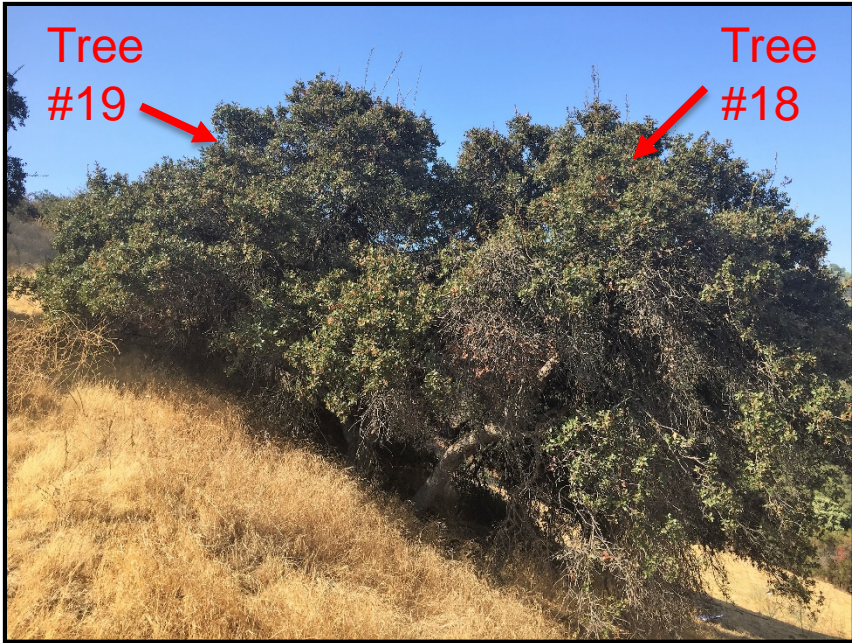


3. Overview of 23472 Fern Tr. property lot, standing in SW corner, view facing eastern corner of property. Scrub oak Tree No. 17 is located beyond southern property boundary and will be protected by fencing.

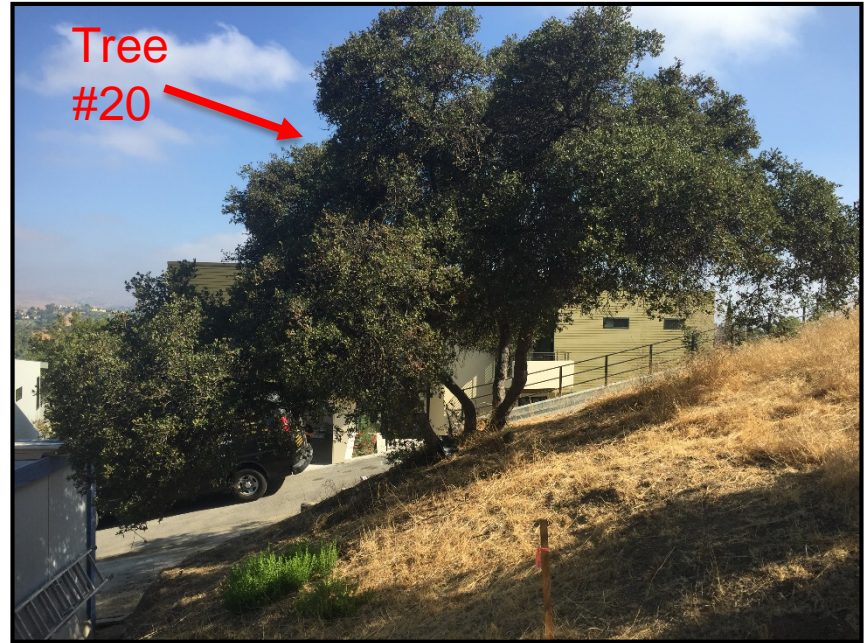


4. Overview of Scrub oak Tree No. 17, standing on southern property boundary, view facing south.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993
Representative Site Photographs



5. Overview of Scrub oak Tree No. 18 and No. 19, standing near northern property boundary, view facing south.



6. Overview of Scrub oak Tree No. 20, standing near NE property boundary stake, view facing north. Tree #20 is located above construction site near NE property boundary.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993

Representative Site Photographs



7. Overview of Scrub oak Tree No. 20, view facing west. Tree #20 shows deadwood throughout canopy of tree.



8. Overview of Scrub oak Tree No. 20, standing along Fern Trail, view facing east. Tree #20 is encroached upon by a retaining wall and drain line on the NNW side of trees dripline.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993

Representative Site Photographs



9. Overview of 23472 Fern Tr. property lot, standing in NE corner, view facing west. Scrub oak Tree No. 21 to No. 24 located along western property boundary with scrub oak woodland in background.



10. Overview of 23472 Fern Tr. property lot, standing in NW corner, view facing south. Scrub oak Tree No. 21 to No. 24 located along western property boundary and will be removed for the installation of retaining walls.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993
Representative Site Photographs



11. Overview of Scrub oak Tree No. 21, standing near NW property boundary stake, view facing NW. Tree #21 will be removed for the installation of new retaining walls.



12. Overview of Scrub oak Tree No. 22, standing near western property boundary stakes, view facing NW. Tree #22 will be removed for the installation of new retaining walls.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993

Representative Site Photographs



13. Overview of Scrub oak Tree No. 23, standing near western property boundary stakes, view facing NW. Tree #23 will be removed for the installation of new retaining walls.



14. Overview of Scrub oak Tree No. 24, standing near western property boundary stakes, view facing SW. Tree #24 will be removed for the installation of new retaining walls.

Attachment 1 - Minor Healthy Oak Tree Permit Number 170000993

Representative Site Photographs



15. Overview of 23472 Fern Tr. property lot, standing behind southern property boundary, view facing north. Picture shows all 4 corners of property, as well as 8 scrub oak trees surrounding property boundary.

Photographs were taken on August 21, 2017



CITY of CALABASAS

**Architectural Review Panel
Meeting Minutes
Special Meeting**

Friday, September 15, 2017 2:30 P.M.
Council Chambers, City Hall
100 Civic Center Way, Calabasas
www.cityofcalabasas.com

The starting times listed for each agenda item should be considered a guideline only. The Architectural Review Panel reserves the right to alter the order of discussion in order to run an effective meeting. If you wish to assure yourself of hearing a particular discussion, please attend the entire meeting.

Opening Matters – 2:30 P.M.:

- Call to Order *Meeting was called to order by Chair Handel at 2:30PM.*
- Attending ARP members: Chair Handel, Vice-Chair Shepphird, Panel Member Stockton, and Panel Member Surdyk. Absent: Panel Member Mugerdechian-Armen (excused).
- General Discussion: (*None.*)

Review Item(s) – 2:35 P.M.

1. **File No. 170001020.** Request for: (1) a Scenic Corridor Permit; (2) an Administrative Plan Review permit to divide an existing retail tenant space into three retail tenant spaces (no square footage added) and propose exterior modifications to the building and site; and (3) a Conditional Use Permit to allow for the sale of alcoholic beverages in conjunction with a new grocery store for a property located at 23741 Calabasas Road (APN: 2068-002-024), within the Commercial, Mixed Use (CMU) zoning district and designated Scenic Corridor (-SC) overlay zone.

Submitted by: Jones Lang LaSalle Americas, Inc.
Planner: Krystin Rice, Planner (present)
(818) 224-1709
krice@cityofcalabasas.com

Present for the applicant were Mr. Simon Perkowitz, AIA, PE, the architect responsible for the building design, and Ms. Carrie Gills (from Jones Lang LaSalle). Mr. Perkowitz summarized the project background and his design team's approach toward a re-design in response to ARP suggestions at the previous meeting. Mr. Perkowitz responded to questions from members of the Panel.

The Panel Vice-Chair Shepphird commented that the redesign is clearly an improvement upon the original design; however, he voiced concern that the design lacks any complementary reference (in design and materials) to the over-arching design aesthetic found throughout the corridor. And as an example he pointed out the consistent use of tile roof components by other properties along the corridor, and that very few tile elements are incorporated into the proposed contemporary design aesthetic. Other Panel members were more supportive of the contemporary design because the building is situated so far away from all the other nearby buildings.

The Panel then focused on the need for the south-facing façade to be re-worked to align more closely (in the colors and materials) with the main façade. Thus, the partial tile-roofed mansard element should be replaced by a rectangular box-shaped parapet element clad in a matching HardieBoard or metal (to provide both a color and material break along the façade) which agrees with the colors and materials of the parapet elements along the east facade. The north façade should be similarly handled. Regarding the main (east-facing) facade, the three different tenant bay components should be off-set from one another by at least 8 inches, and perhaps as much as 12 inches. Also, the tower parapet element on the southeast corner must wrap around the corner to include windows (may be obscured) facing south, and an awning to match those along the front façade. The Panel also recommended a slight re-working of the metal canopy covering the main entry and shopping cart storage bays at the front of the proposed grocery store, and asked that the cart storage masonry walls be beefed-up to look appropriate beneath the columns. Furthermore, the parapet returns need to be designed and portrayed on the roof plan with a greater depth to prevent a “Hollywood Film Lot” appearance. Finally, an exit door shown on the north-facing façade should be eliminated, if not required for exiting purposes.

The applicant agreed to all of the recommended modifications. The Panel voted to have Panelist Stockton collaborate with staff to confirm that the re-submitted plans have incorporated all of the recommended modifications. Provided the modifications are accomplished and confirmed, the Panel recommends approval.

2. **File No. 170000993.** Request for a Site Plan Review, Oak Tree Permit, Lot Merger and Street Vacation to construct a new 2,840 square-foot single-family residence located at 23742 Fern Trail (APN 2072-018-022), within the Rural Community (RC) zoning district, and Calabasas Highlands (CH) overlay zone.

Submitted by: Marcin Jagoda, applicant and owner (present)
Planner: Michael Klein, Senior Planner (present)
(818) 224-1710
mklein@cityofcalabasas.com

Also present on behalf of the applicant: Mr. Andrew Jagoda, and Mr. Ray Djujich.

Senior Planner Klein presented a project overview; Panel members asked questions of Mr. Klein. The applicant team explained the building design, and responded to questions from members of the Panel.

The Panel recommended one minor modifications to the design: Extend the roof over the south-facing wall to create an overhang condition, similar to elsewhere on the building, or at least provide a complementary roof component (separate from the main roof) located directly over the doorway.

The Panel recommended approval.

Adjournment: Chair Handel adjourned the meeting at 4:23PM to the Architectural Review Panel meeting of October 27, 2017 at 2:30 P.M., City Hall, Council Chambers, 100 Civic Center Way.

Architectural Review Panel Chair:  9.15.17
Mark Handel date

Respectfully Submitted by:  9-15-17
Tom Bartlett, AICP, City Planner Date

Michael Klein

From: Tony Bonenfant <tonyb@abonenfant.com>
Sent: Thursday, March 29, 2018 4:41 PM
To: Michael Klein
Cc: info
Subject: Planning commission comments-Proposed home on Fern Terrace
Attachments: IMG_1819.jpg

Dear Mr Klein

I hope I am not too late .

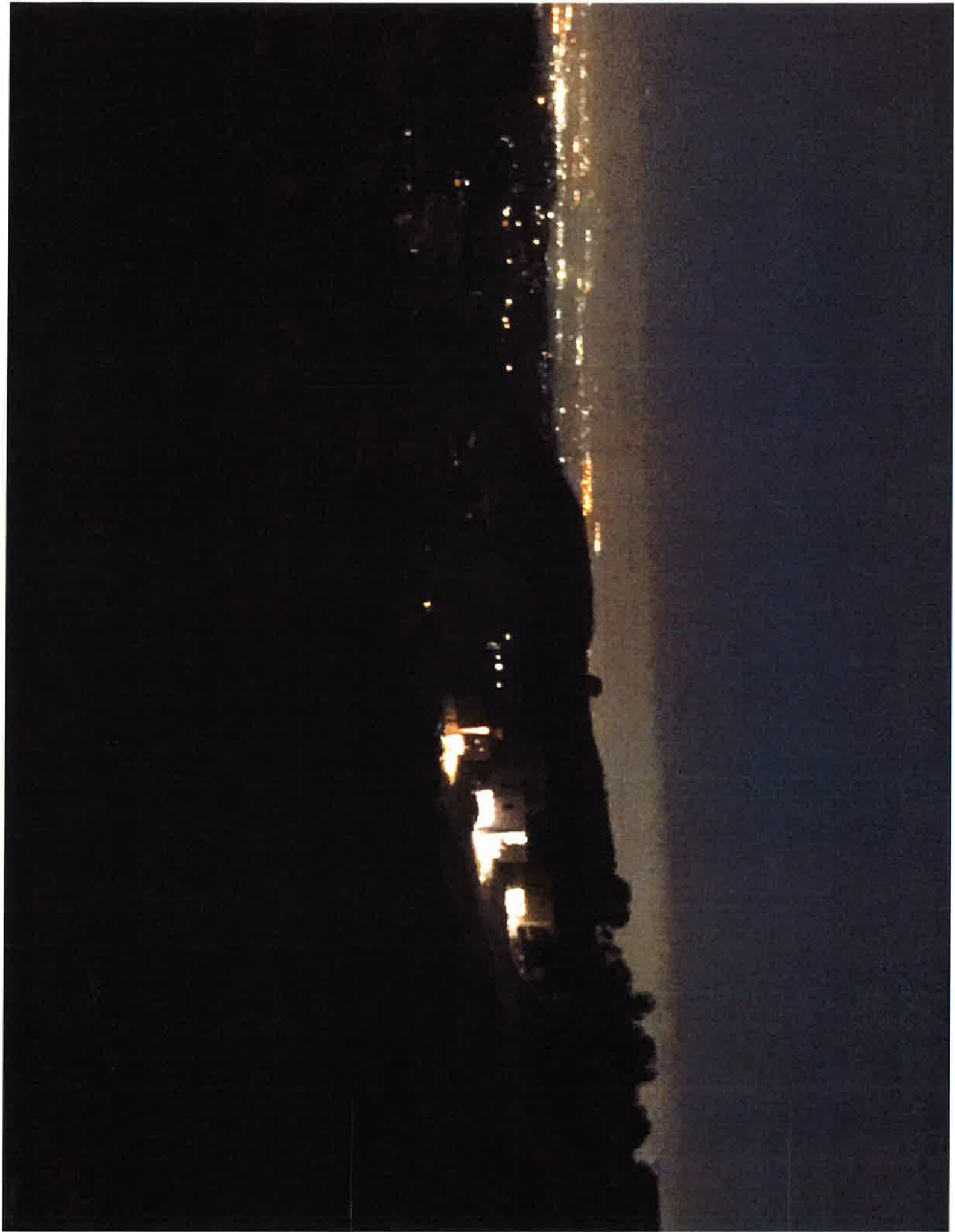
Attached is a pic of what I see from my home in Mountain Park HOA. It's a disgrace to the city and its night sky ordinance. I have spoken to people in your office about it and was told the code has not caught up with the lighting technology thus this lighting is up to the ancient code.

The same builder is putting in the same lighting product and design which will further degrade the city of Calabasas.

I object to any construction if involves this same disgrace

Anthony Bonenfant
22911 Aspen Way
Calabasas

818 620-1354



Michael Klein

From: Cheryl Radetsky <hicherylr@aol.com>
Sent: Wednesday, April 11, 2018 11:16 AM
To: Michael Klein; info
Subject: to Chairs and Members of the Calabasas Planning Commission and Michael Klein, City Planner

Dear Michael Klein, *Senior City Planner*; and Calabasas Planning Commission Chairs and Members (Dennis Washburn, *Chair*, Peter Kraut, *Vice Chair*, Wendy Fassberg, John Mueller, Mark Sikand, and Steven Roseman),

Hi there. I'm a homeowner on Fern Trail in Calabasas Highlands and I just watched the video playback of your April 5, 2018 committee meeting to approve the new construction of a home also on Fern Trail. Thank you for your time and consideration. The project looks like it will be a lovely addition to the area.

Also present at the meeting was an unhappy neighbor, residing in the adjacent community of Mountain Park Estates. This complainant's apparent issue was regarding the outside lighting on the three existing homes on Fern Trail. These new homes, all constructed from 2015 through 2017, were built to impeccable standards and all three families are proud to now call Calabasas home. As an owner of the one of these homes, I thought you should know the complete story regarding this issue.

All three homes received an anonymous letter and photos in a plain manila envelope (apparently the same photos that were supplied to the Planning Commission) on Tuesday, April 3rd, 2018, regarding our outdoor lighting. We wished we could respond directly to our neighbor, however he/she chose to not include a name nor contact information, thereby insulating themselves from any mutual problem-solving or neighborly communication.

We understood their request for dimmer lighting, so we all *immediately* REDUCED OUR EXTERIOR LIGHTING TO 50% INTENSITY. Yes, as soon as we heard of this issue. That's what kind and respectful neighbors do. I was quite surprised the complainant made no mention of the reduced lighting at the planning meeting and the effort that was immediately instituted to accommodate their anonymous request.

In addition, I'd like to shine a light (pardon the metaphor) on one other important consideration. Although our neighbor lives in a guarded and gated community, we do not. In our world of increased crime, safety is a concern for all of us. We do not have the luxury of a 24-hour guard and security gate to keep our homes as safe and secure as those who live (as our complainant does) in guarded/gated enclaves, such as Mountain Park. Proper lighting helps ensure our safety and the safety of our entire community. After I moved in, the Calabasas police were happy to come out to give a safety assessment. They, in fact, recommended that we add additional exterior lighting for security! Well, we never got around to doing that, but their wisdom rings true...*proper lighting discourages unwanted visitors*. Yes, we can live with our outdoor lighting reduced to 50% in order to make everyone happy...but I wonder if that is even the issue. Perhaps it's not the amount of lighting, but the fact that where there were once barren hills, there are now homes. Progress...

Yes, we love the night sky, as well. And we all want to be good neighbors. Please know that all three homes took immediate steps to alleviate this anonymous neighbor's stated concern. May we all enjoy living in this beautiful place!

Best regards,

Cheryl Radetsky


23755 Fern Trail
Calabasas, CA 91302



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 16, 2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DEBORAH STELLER, MEDIA, LIBRARY AND INFORMATION SERVICES DIRECTOR 

SUBJECT: RECOMMENDATION FROM THE COMMUNICATIONS AND TECHNOLOGY COMMISSION TO UPDATE THE CTV CHANNEL POLICY AND ADOPT RESOLUTION NO. 2018-1585, APPROVING AND ADOPTING POLICES FOR GOVERNMENT ACCESS PROGRAMMING CHANNEL FOR THE CITY OF CALABASAS (CTV) AND RESCINDING RESOLUTION NO 2007-1093

MEETING DATE: APRIL 25, 2018

BACKGROUND:

The City of Calabasas Policies for Government Access Programming were developed twenty years ago by staff, the then Cable and Technology Advisory Committee and the City Council. The policy has been updated several times, but the last time was ten years ago and there are many updates needed.

Our policy is much more detailed than most government access stations. Many stations operate under the FCC guidelines for a government access channel as provided for in the Cable Communications Policy Act of 1984. Staff has pared down many of the details that have been worked out via trial and error through the past twenty years to streamline the policy. The Communications and Technology Commission (CTC) made further recommendations to update the policy and approved the current version to come to City Council on March 20, 2018.

Many forms of technology have been updated in this document. For example, most of our technology is digital now and CTV no longer uses video tapes and

most of our media requests are handled via online requests and not paper. The only substantial addition to the document is Section D.1.f on page 4.

CTC made a recommendation on the timing of the Mayor's State of the City address to avoid the perception of advantage if the current mayor is up for reelection in November of their term:

Section D.1.f - CTV provides coverage of the Annual Mayor's State of the City Address. The Annual Mayor's State of the City Address shall take place at least a week after the Tuesday following the first Monday in the month of November prior to the date of reorganization.

Staff has provided the City Council with a redline version and a final draft of the Channel Policy.

REQUESTED ACTION:

I move to adopt Resolution No. 2018-1585, approving and adopting policies for the government access programming channel for the City of Calabasas (CTV) and rescinding Resolution No. 2007-1093.

ATTACHMENTS:

- #1 - Resolution No. 2018-1585, Policies for Government Access Programming for the City of Calabasas (CTV)
- #2 - Redline Version of Channel Policies, 2007-1093 and 2018-1585

ITEM 6 ATTACHMENT 1

RESOLUTION NO. 2018-1585

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING AND ADOPTING POLICIES FOR GOVERNMENT ACCESS PROGRAMMING CHANNEL FOR THE CITY OF CALABASAS (CTV) AND RESCINDING RESOLUTION NO. 2007-1093.

WHEREAS, the City of Calabasas ("City") is committed to provide the citizens of the City of Calabasas with information about their government and community; and

WHEREAS, the City manages and operates the Government Access Programming Channel for the City of Calabasas (CTV); and

WHEREAS, the City wishes to further its goal of providing citizens with information about their government and community through CTV in an efficient and equitable manner.

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

SECTION 1. The City Council of the City of Calabasas approves and adopts the "Policies for Government Access Programming, City of Calabasas, CTV, The Calabasas Channel, Calabasas, California," attached as Exhibit "A" to this Resolution and incorporated herein by this reference, as the policy guidelines for the operation of CTV.

SECTION 2. The Policies for Government Access Programming shall become effective upon adoption of this resolution, and Resolution No. 2007-1093 is hereby rescinded.

SECTION 3. 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 25th day of April, 2018.

Fred Gaines, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney
Colantuono, Highsmith & Whatley, PC

**POLICIES FOR GOVERNMENT ACCESS PROGRAMMING
CITY OF CALABASAS
CTV, THE CALABASAS CHANNEL
CALABASAS, CALIFORNIA**

Approved: April 10, 1997
Communication and Technology Commission
Revised: November 1999
Revised: April 28, 2004
Approved: April 1997
Revised: March 2018

Calabasas City Council
Revised: May 17, 2000
Revised: May 26, 2004
Revised: May 15, 2007
Revised: April 25, 2018

CTV - THE CALABASAS CHANNEL POLICY

I MISSION STATEMENT

The mission of CTV – The Calabasas Channel is to engage and inform the community by providing educational, informational, professional and entertaining public service content.

II COMMUNICATIONS AND TECHNOLOGY COMMISSION (CTC)

The Communications and Technology Commission (CTC) consists of representatives appointed by the City Council. CTV staff will work with the CTC to develop programming for the Government Access Channel. CTC members will also serve as liaisons between the community and CTV staff to encourage use and viewing of the channel.

Issues concerning exceptions, variations, or modifications to this policy statement should be appealed to the CTC. Should there still be an unresolved issue, appeal may be brought to the City Council.

III REGULATIONS GOVERNING USE OF THE CALABASAS GOVERNMENT ACCESS CHANNEL. (CTV)

A. Purpose

The purpose of these regulations is to provide guidelines for the use of CTV – The Calabasas Channel, and to describe its use by the City of Calabasas. CTV is a government channel as provided for in the Cable Communications Policy Act of 1984. This Federal legislation establishes government channels, educational channels and public channels for use by each of the corresponding broad groups. Because CTV is a government channel, there is no legal requirement to televise any type of programming that is not government-sponsored. CTV is committed to providing programming that informs and engages the community.

B. Objectives

The objectives for use of CTV are as follows:

1. To provide programming and services that inform, educate, enlighten and enrich the citizens of Calabasas.
2. To increase public knowledge of the functions and responsibilities of city government, and of the functions of the City Council, various departments, Commissions, and Committees.

ITEM 6 ATTACHMENT-1A

3. To serve as the official information center in the case of a local emergency situation; i.e., flood, fire, crime, etc.
4. To supplement the public safety awareness efforts of local law enforcement and fire department.
5. To enhance awareness of local history, culture, issues and activities.
6. To provide programs that facilitate and encourage an aware and educated electorate.

C. Channel Administration

The Media, Library and Information Services Director (MLIS Director) or her/his designee is responsible for programming activities and program schedules, which are established based on direction from the City Manager and in accordance with guidelines recommended by CTC and adopted by City Council. The costs associated with the City's involvement in CTV will be paid for by the franchise fees received from the cable franchises as provided for in the franchise ordinance and telecommunications agreements, and from the general funds of the City, according to City of Calabasas policies.

CTV may solicit and accept grants for operations or production of particular types of programming.

D. Programming Statement

CTV will provide information to the citizens of Calabasas concerning the functions, activities, programs and issues of the City. The channel is not intended to be used as a political forum by an individual or group, nor as a mechanism for building support for a particular person, program or issue. Use of the channel shall be governed by the operating procedures as set forth herein, and by the rules of the Federal Communications Commission (FCC) as they may apply to operations of CTV. Due to the diversity of opinions held by individuals, 100% agreement on programming content would be impossible. Therefore, opinions expressed on the channel may not necessarily reflect those of the City Council, the City Manager, CTC, or City staff. The City reserves the right to review all programs, proposed and/or completed, to determine compliance with Programming Regulations and Channel Objectives.

1. Political Broadcasts

- a. Declared candidates for any elective public office and persons advocating any

ITEM 6 ATTACHMENT-1A

cause, viewpoint or policy, proposed or otherwise, will not be eligible to appear on CTV, except in a program or series where the format allows for all candidates or sides of an issue to be heard on an equal basis and within the same format at a comparable time.

Candidates for public office may appear on CTV on a bona fide news program; a news documentary, if the appearance of the candidate is incidental to presentation or the subject matter. They may also appear in coverage of official City meetings or special events such as City Council, Commissions, or the Mayor's State of the City Address. CTV and the MLIS Director will make every effort to ensure that any appearance, except as authorized in this section, by any qualified political candidate on CTV will abide by these restrictions, and will tailor such appearances so as to minimize the fact of their candidacy.

Decisions on allowable program formats and appearances by qualified political candidates will be made by the City Manager. Should an appearance by a qualified political candidate be determined to fall outside of the categories of exempt programming mentioned above, then CTV will afford equal opportunities to all other candidates for that office.

- b. A candidate requesting such equal opportunities on CTV shall have the burden of proving that he or she and the opponent are legally qualified candidates for the same office. A request for equal opportunity for use of CTV must be submitted to the MLIS Director within one week of the day on which the first prior use, giving rise to the right to equal time, occurred. This is provided that such candidate or spokesperson was not already offered an opportunity to appear on CTV on an equal basis with all other candidates or spokesperson for this office or issue.
- c. When scheduling for equal opportunity programming, the MLIS Director will do her/his best to provide the opponent(s) playback time on a similar day, at a similar time, and under similar conditions as the prior cable-cast, and within as efficient and effective time period as possible, but with no guarantee of being able to match cable-cast conditions exactly. All decisions on equal opportunity program schedules will be made by the MLIS Director, under direction from the City Manager and shall be final.
- d. Programming by any other governmental group, individual or entity not an official part of the City of Calabasas, may be allowed if the event or program to be taped is co-sponsored by the City of Calabasas, or special permission is obtained from the MLIS Director.

ITEM 6 ATTACHMENT-1A

- e. CTV may provide coverage of up to three (3) candidate forums coordinated and sponsored by the City and moderated by an independent, nonpolitical organization. The number of candidate forums and the moderator will be determined by the City Manager, City Attorney, and MLIS Director consistent with these guidelines and provisions.
- f. CTV provides coverage of the Annual Mayor's State of the City Address. The Annual Mayor's State of the City Address shall take place at least a week after the Tuesday following the first Monday in the month of November prior to the date of reorganization.

2. Event Coverage Procedures

- a. To request live or taped coverage of an event by CTV staff, the applicant must fill out and submit a Media Work Order. Forms may be obtained online at www.cityofcalabasas.com
- b. Applicant will be required to provide the name, date, location and purpose of the event. The applicant must also provide details that the crew will need to know in advance about the location, activity, crowd, etc., and whether or not the event will further the channel objectives.
- c. It is the responsibility of the applicant to obtain all on-site approvals and off-site permissions for taping. This includes permission from property or business owners, performers, event coordinators, etc. Approvals should all be obtained in writing prior to submitting the Media Work Order. CTV may ask for proof of approvals prior to considering the request, and will require applicant to sign a statement that all necessary clearances have been secured.
- d. It will be the applicant's responsibility to pay any extra costs incurred by the production, including, but not limited to, all admittance fees, artwork and graphics, union or other professional association fees, clearance fees, royalties, permission fees or any other applicable fees.
- e. The Media Work Order should be submitted a minimum of ten (10) working days prior to the scheduled event.
- f. A request originating from any City department must be approved by the MLIS Director.
- g. The MLIS Director will consider each request based on:

ITEM 6 ATTACHMENT-1A

- i. Compliance with City policies
 - ii. News or entertainment value
 - iii. Availability of staff
 - iv. Availability of equipment and facilities
 - v. Capabilities of staff and equipment
- h. Receipt of Media Work Order does not in any way guarantee approval of applicant's request.
- i. Completed programs and all work footage shall be the sole property of the City of Calabasas. Copies of completed programs may be purchased on a DVD or format deemed appropriate by the MLIS Director at a purchase price to be set by resolution of the City Council.
- j. It is the policy of CTV to retain completed programs for a minimum of six months, after which time the footage may be discarded.
- k. Taping and/or post production of the event does not in any way guarantee that the event will be telecast on CTV.

3. Equipment Usage Procedures

- a. Video equipment and facilities may be used by trained members of CTV staff with the approval of the MLIS Director.
- c. CTV is not obligated to allow City equipment or facilities to be interfaced with any other equipment or facilities. Any user tampering with, adjusting or altering any City equipment or facilities may be subject to immediate forfeiture of their right to use said equipment or facilities.
- d. Completed programs will be screened for compliance with channel objectives and City policies, and for technical quality. Use of equipment and facilities to produce a program will not guarantee time on CTV for that program. The program may be accepted as presented, turned down completely, or given conditional approval. In the case of conditional approval, the program producer may make specified changes in order to bring the program into compliance, or may withdraw the program from consideration altogether.
- e. Material considered obscene, as defined by the FCC and the Supreme Court, shall

ITEM 6 ATTACHMENT-1A

not be brought into City Hall or any video control room, be viewed on any City computer, or be present at any time in the possession of a member of CTV staff or video volunteer on any shoot, either in the field or inside any municipal building.

4. Air-Time Request Procedures

- a. Play-back time on CTV may be requested for an outside program or series, providing the program is suitable for airing on the channel.
- b. To submit a program for consideration, an Air-time Request Form describing program title, topic, format, and running time is required along with a digital or physical copy of the program.
- c. Programs will be screened for CTV suitability, compliance with Channel Objectives and City Policies and for technical quality. The program may be accepted or rejected, in whole or in part, by the MLIS Director based on any or all of the qualifying criteria.
- d. No programming containing commercial advertising will be allowed on CTV unless there is an overriding public interest.
- e. If approved for telecast, the MLIS Director will determine when and how often the program will appear in the CTV schedule, but will schedule the program no more frequently than specified by the program presenter.
- f. It is the responsibility of the applicant to obtain all copyrights and all clearances to all portions of the submitted program including, but not limited to, video, performance, music, song, theatrical and film rights. The MLIS Director may require written proof of approvals and/or require the applicant to sign a statement that all approvals have been secured and to provide satisfactory indemnification of CTV and the City of Calabasas.

5. Emergency Procedures

Emergency programming is to be originated and authorized only by City Administration, Police, Fire, Public Works or emergency service personnel. Under no circumstances will access to CTV for emergency communications be granted to anyone who does not have the proper authority to initiate emergency procedures. Emergency programming is considered top priority on CTV – The Calabasas Channel.

6. Live Coverage of City Functions

ITEM 6 ATTACHMENT-1A

- a. CTV, the Calabasas Channel, currently carries live coverage of the City of Calabasas Council meetings and designated Commission meetings. While such coverage is taking place, no other video production crew will be allowed in the meeting locale (except for production of film or videotape for news purposes by recognized media agencies) without permission from the City Council or MLIS Director or the City Manager as appropriate.
- b. The highest quality of responsible meeting coverage can be achieved by a standardization of taping procedures.
 - i. Presentation by the public, visuals, overheads, performances, etc., should be assigned to one location, which is to be equipped with proper lighting, microphones, camera angles, etc.
 - ii. Coverage of the meeting should be objective, with camera shots limited to straight on head-and-shoulders shots of speakers, and cover shots of meeting participants. Directors should avoid subjective close-ups, unique angles, harsh or tinted lighting, and camera shots that portray anyone in a particularly negative or unfavorable manner.

7. Meeting Storage/Sale Policy

Copies of the Calabasas City Council and Commission meetings will be retained in perpetuity as requested by the City Council. These recordings are the official record of the meetings and the only detailed records. The City Council shall have notice prior to any destruction of the recordings. DVD meeting copies may be purchased from the Media Operations Department in accordance with the City Fees Policy.

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**POLICIES FOR GOVERNMENT ACCESS PROGRAMMING
CITY OF CALABASAS
CTV, THE CALABASAS CHANNEL
CALABASAS, CALIFORNIA**

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Approved: April 10, 1997
Communication and Technology Commission
Revised: November 1999
Revised: April 28, 2004

Approved: April 1997
Revised: March 2018

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Calabasas City Council
Revised: May 17, 2000
Revised: May 26, 2004
Revised: May 15, 2007

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~~CTV THE CALABASAS CHANNEL, OPERATIONS POLICY~~

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Revised: April 25, 2018

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CTV - THE CALABASAS CHANNEL POLICY

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I MISSION STATEMENT

The ~~goal~~mission of CTV, ~~the Government Access - The Calabasas Channel for the City of Calabasas,~~ is to ~~provide the citizens of Calabasas with information about their government~~engage and ~~inform the~~community.

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II BACKGROUND

~~April, 1991 - City Incorporation. City was served by four cable companies. Ventura County Cable served Saratoga providing educational, informational, professional and Malibu Canyon, later becoming TCI. Lost Hills Television covered the area south of the Ventura Freeway, now part of Falcon. The Mulwood area was also served by Falcon and Calabasas Park was served by GalaVision. City Council meetings were taped and hand-delivered for later playback on each of the four cable systems, entertaining public service content.~~

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~~June, 1993 - Chief Engineer Roy LaViolette arranged a set six hour time slot for Council playback with all of the cable companies. An electronic page generator promoting City events and agendas was used to fill extra time.~~

~~May, 1995 - The Calabasas Channel was developed when Mr. LaViolette set up a microwave system above Vista Point at the Las Virgenes Municipal Water District, high above the City. (See attached article.) With the feed, Calabasas was capable of sending out a signal city-wide 24 hours a day, feeding TCI on Channel 10 and Falcon and GalaVision on Channel 3. Calabasas City Council and Planning Commission meetings were televised live from City Hall for viewers at home. The City contracted with a company to televise meetings with a single camera~~

~~October, 1996 - Staff is hired to begin producing local programming.~~

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~~March, 1997 — City Council and the Cable and Telecommunications Advisory Committee (CTAC) approve naming the government access channel, "CTV - The Calabasas Channel."~~

~~May, 1997 — The first City Council and Commission Meetings were televised live using a multi-camera robotic system.~~

~~June, 1997 — The City Council votes to create the Media Operations Department to expand the programming and services of CTV-The Calabasas Channel.~~

III

II COMMUNICATIONS AND TECHNOLOGY COMMISSION (CTC)

The Communications and Technology Commission (CTC) consists of representatives appointed by the City Council. CTV staff will work with the ~~Commission~~CTC to develop programming for the Government Access Channel. CTC members will also serve as liaisons between the ~~citizens of Calabasas~~community and CTV staff to encourage use and viewing of the channel.

Issues concerning exceptions, variations, or modifications to this policy statement should be appealed to the CTC. Should there still be an unresolved issue, appeal may be brought to the City Council.

IVIII REGULATIONS GOVERNING USE OF THE CALABASAS GOVERNMENT ACCESS CHANNEL. (CTV)

A. Purpose

The purpose of these regulations is to provide guidelines for the use of CTV, ~~Government Access - The Calabasas~~ Channel, and to describe its use by the City of Calabasas. CTV is a government channel as provided for in the Cable Communications Policy Act of 1984. This Federal legislation establishes government channels, educational channels and public channels for use by each of the corresponding broad groups. Because CTV is a government channel, there is no legal requirement to ~~broadcast~~televise any type of programming that is not government-sponsored. CTV is committed to ~~providing~~ programming that ~~helps residents learn more about City programs, their neighbors~~informs and ~~about important issues facing~~engages the ~~area in general~~community.

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B. Objectives

The objectives for use of CTV are as follows:

1. To ~~serve as an on-going source of government information for~~ provide programming and services that inform, educate, enlighten and enrich the citizens of ~~the CTV cable service area~~ Calabasas.
2. To increase public knowledge of the functions and responsibilities of city government, and of the functions of the City Council, various departments, Commissions, and Committees.
3. To serve as the official information center in the case of a local emergency situation; i.e., flood, fire, crime, etc.
4. To supplement the public safety awareness efforts of ~~the local Law Enforcement~~ law enforcement and ~~Fire Departments~~ fire department.
5. To enhance awareness of local history, culture, issues and activities.
6. To provide programs that facilitate and encourage an "aware and educated electorate".

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C. Channel Administration

The Media ~~Operations, Library and Information Services~~ Director (MLIS Director) or her/his designee is responsible for programming activities and program schedules, which are established based on direction from the City Manager and in accordance with guidelines recommended by CTC and adopted by City Council. The costs associated with the City's involvement in CTV will be paid for ~~with~~ by the franchise fees received from the cable franchises as provided for in the franchise ordinance, and telecommunications agreements, and from the general funds of the City, according to City of Calabasas policies.

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CTV may solicit and accept grants for operations or production of particular types of programming.

D. Programming Statement

CTV will provide information to the citizens of Calabasas concerning the functions,

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activities, programs and issues of the City. The channel is not intended to be used as a political forum by an individual or group, nor as a mechanism for building **exclusive support** for a particular person, program or issue. Use of ~~the~~ channel shall be governed by the operating procedures as set forth herein, and by the rules of the Federal Communications Commission (FCC) as they may apply to operations of CTV. Due to ~~the~~ diversity of opinions held by individuals, 100% agreement on programming content would be impossible. Therefore, opinions expressed on the channel may not necessarily reflect those of the City Council, the City Manager, CTC, or City staff.

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~~The Media Operations Director~~City reserves the right to review all programs, proposed and/or completed, to determine compliance with Programming Regulations and Channel Objectives. ~~Any program under consideration may be accepted as presented, may be turned down completely, or may be given conditional approval. In the case of conditional approval, a program may be deemed appropriate and worthy, except for stated objectionable or offensive program portions, which will be listed as needing revision or deletion from the program. The presenter of the program will then have the option of making all specified changes or withdrawing the program from consideration altogether.~~

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~~E. Programming Restrictions~~

~~1. The City of Calabasas recognizes the programming content restrictions imposed on CTV by the Federal Communications Commission (FCC) Regulations, by prevailing community standards, and by applicable Federal, state and local laws. In particular, CTV will not cable-cast, or allow to be cable-cast, any programming containing the following:~~

~~a. Information or advertising concerning an illegal lottery.~~

~~b. Paid advertising material in which commercial appeals for funds are made. Grants for programming purposes shall not be considered as advertising. Paid advertising material includes, but is not limited to, advertising by or on behalf of a candidate for public office or program material made available without charge by persons, corporations, or institutions which have a commercial interest in the subject matter.~~

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~~This provision shall not prevent the identification of persons or institutions providing grants or contributions to underwrite the cost of programs unrelated to the commercial interests of the donor or to programs which have a public interest overriding the private commercial interests.~~

~~c. Copyrighted material, unless clearances for use have been obtained, and written proof of such clearance can be presented.~~

~~d. Programming which is prohibited by applicable Federal, State or local laws.~~

~~2. In the case of programs deemed to be worthy of social or artistic value, but also containing some program content or language that may be considered offensive to some viewers, the following message may be run prior to the program, and during any natural program break:~~

~~"The following program has been deemed worthy of cable-cast on CTV, but contains language or other program content that may be offensive to some viewers. Viewer discretion and parental guidance are advised."~~

F

1. Political Broadcasts

~~1a. Declared candidates for any elective public office and persons advocating any cause, viewpoint or policy, proposed or otherwise, will not be eligible to appear on CTV, except in a program or series where the format allows for all candidates or sides of an issue to be heard on an equal basis and within the same format— at a comparable time.~~

~~Candidates for public office may appear on CTV on a bona fide news program; a news documentary, if the appearance of the candidate is incidental to presentation ~~of~~ for the subject matter, ~~or.~~ They may also appear in coverage of official City meetings or special events, such as City Council, Commissions, or ~~Committees,~~ the Mayor's State of the City Address, CTV and the Media~~

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~~Operations~~MLIS Director will make every effort to ensure that any appearance, except as authorized in ~~Section 1, this section,~~ by any qualified political candidate on CTV will abide by these restrictions, and will tailor such appearances so as to minimize the fact of their candidacy.

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Decisions on allowable program formats and appearances by qualified political candidates will be made by the City Manager. Should an appearance by a qualified political candidate be determined to fall outside of the categories of exempt programming mentioned above, then CTV will afford equal opportunities to all other candidates for that office.

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2b. A candidate requesting such equal opportunities on CTV shall have the burden of proving that he or she and the opponent are legally qualified candidates for the same office. A request for equal opportunity for use of CTV must be submitted to the ~~Media Operations~~MLIS Director within one week of the day on which the first prior use, giving rise to the right to equal time, occurred. ~~This is~~ provided that such candidate or spokesperson was not already offered an opportunity to appear on CTV on an equal basis with all other candidates or spokesperson for this office or issue.

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3c. When scheduling for equal opportunity programming, the ~~Media Operations~~MLIS Director will do her/his best to provide the opponent(s) ~~air-playback~~ time on a similar day, at a similar time, and ~~under similar conditions~~ as the prior cable-cast, and within as efficient and effective time period as possible, but with no guarantee of being able to match cable-cast conditions exactly. All decisions on equal opportunity program schedules will be made by the ~~Media Operations~~MLIS Director, under direction from the City Manager ~~and City Council,~~ and shall be final.

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4d. Programming by any other governmental group, individual or entity not an official ~~branch~~part of the City of Calabasas, may be allowed if the event or program to be taped is co-sponsored by the City of Calabasas, or special permission is obtained from the ~~Media Operations~~MLIS Director.

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e. CTV may provide coverage of up to three (3) candidate forums coordinated and sponsored by the City and moderated by an independent, nonpolitical organization. The number of candidate forums and the moderator will be determined by the City Manager, City Attorney, and ~~MLIS~~ Director ~~of Media~~

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~~Operations based upon~~ consistent with these guidelines and provisions.

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5.f. CTV provides coverage of the Annual Mayor's State of the City Address. The Annual Mayor's State of the City Address shall take place at least a week after the Tuesday following the first Monday in the month of November prior to the date of reorganization.

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G. Program Type

~~Programming viewed on CTV will fall into one or more of the following programming categories, listed by scheduling priority:~~

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1. ~~Emergency~~

~~May consist of live, taped or Alpha Numeric programming, shown at any time, as emergency dictates. The purpose of this programming will be to inform residents of emergency situations, and to instruct viewers in evacuation, detour, notification and escape procedures. In the case of an emergency, regularly scheduled programming may be interrupted or canceled. The content and scheduling of any emergency programming must be approved by the Emergency Operations Manager or his or her designee.~~

2. ~~Live Programs~~

~~Live coverage of City Council and designated City Commission meetings currently takes place on a weekly basis, or more often as necessary. Meetings are carried gavel-to-gavel without editing or editorial comment.~~

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3. ~~Locally Produced Programs and Series~~

~~Most programs and series will be produced by CTV staff and will be directly related to City issues or government-sponsored programs, or will be of a general information nature, such~~

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~~as health, cultural or lifestyle programming.~~

~~4. Outside Programming~~

~~Pre-produced programming may be cable-cast on CTV. Such programming will be screened for suitability and compliance with channel objectives and Programming Regulations, is subject to approval by the Media Operations Director for scheduling on CTV.~~

~~5. CTV Billboard~~

~~Alpha-numeric is a bulletin board style service used to display City-related messages to the public. This mode of programming may be used as filler, when no other video programming is scheduled on CTV. Message content and decisions on message suitability will be governed by channel objectives and programming regulations and is subject to approval by the Media Operations Director.~~

~~6. Satellite Reception~~

~~Programming suitable for re-transmission may be obtained through satellite reception. Programs to be re-transmitted shall meet all requirements of these regulations for suitability that apply to locally produced programming. Satellite receptions may be videotaped for later broadcast or for use by city departments in training programs. In all cases, CTV shall observe all applicable rules concerning copyrights.~~

~~H. Access Policy~~

~~1. CTV Billboard Procedures~~

~~CTV is a Government Access Channel, as outlined in the Federal Cable Communications Act of 1984, created for the dissemination of government-related information to the viewing~~

~~public. Access to the channel may range from submitting a public service announcement for the GTV billboard, to putting in a request for event coverage, to working side-by-side with GTV to produce a program or program series. In each case, proper procedures must be followed before access will be provided. GTV Billboard Procedures are as follows:~~

~~g. a. The City Council, City Commissions, and all City departments, may submit public service messages to be displayed in alpha-numeric form on GTV during non-programming hours. All messages must be submitted in writing, and must be submitted at least three working days prior to the requested start date. Forms for this service are available in the City of Calabasas, 26135 Mureau Road, Calabasas, CA 91302-3172, (818)878-4225, fax(818)878-0716. Fax, mail or bring messages with completed form to Calabasas City Hall. No announcements will be taken over the phone, except in the case of an emergency.~~

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~~b. Messages submitted by a City department must be approved by the Media Operations Director.~~

~~c. Messages are input by the GTV staff on a "character generator" and appear on the TV screen a "page" at a time. Messages should be concise, and should contain basic information concerning what, when, where, how, and how much. Messages should be limited to eight brief lines. If necessary, the GTV staff will edit the message to improve readability, to make it fit on one page, or to insure message is grammatically correct.~~

~~d. All submitted messages must be accompanied by the name of the submitting organization, the name and phone number of a contact person, and whether or not that information is to appear in the message. Submissions should include desired start and end dates.~~

~~e. No classified ads and/or commercial messages will be allowed on GTV.~~

~~f. Receipt of a public service message does not in any way guarantee its appearance on GTV. Suitability for this channel and compliance with City policies will be determined by~~

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~~the Media Operations Director. The date of input and the length of run of any message will be determined by staff availability and channel capacity.~~

~~g. Every attempt will be made to input all messages received by CTV. In the case that channel capacity is at a peak, messages will be carried a maximum of three days each, and on a first-come, first-served basis, with the following priorities:~~

~~i. Emergency and public service notification messages, originated by Sheriff, Fire or Emergency Services;~~

~~ii. Announcements ordered by the City Council;~~

~~iii. Announcements ordered by the City Manager;~~

~~iv. Announcements submitted by City Department Heads, Commissions or Committees;~~

~~v.~~

~~Announcements submitted by the general public.~~

2. Event Coverage Procedures

a. To request live or taped coverage of an event by CTV staff, the applicant must fill out and submit a ~~Communications Services Media Work Orders~~Order. Forms may be obtained ~~from the City of Calabasas, 26135 Mureau Road, Calabasas, CA 91302-3172. (818)878-4225 or~~ online at ~~www.ci.calabasas.ca.us~~ cityofcalabasas.com

b. Applicant will be required to provide the name, date, location and purpose of the event. The applicant must also provide details that the ~~taping~~ crew will need to

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know in advance about the location, activity, crowd, etc., and whether or not the event will further the channel objectives.

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c. It is the responsibility of the applicant to obtain all on-site approvals and off-site permissions for taping. This includes permission from property or business owners, performers, event coordinators, etc. Approvals should all be obtained in writing prior to submitting the Media Work Order. ~~Media Operations Director~~CTV may ask for proof of approvals prior to considering the request, and will require applicant to sign a statement that all necessary clearances have been secured. ~~The Media Work Order must be approved by the City Manager, including approval of the production costs to be incurred by CTV.~~

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d. It will be the applicant's responsibility to pay any extra costs incurred by the production, including, but not limited to, all admittance fees, artwork and graphics, union or other professional association fees, clearance fees, royalties ~~and~~, permission fees or any other applicable fees.

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e. The Media Work Order should be submitted a minimum of ten (10) working days prior to the scheduled event.

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f. A request originating from any City department must be approved by the ~~Media Operations~~MLIS Director.

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g. The ~~Media Operations~~MLIS Director will consider each request based on:

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i. Compliance with City policies

ii. News or entertainment value

iii. Availability of staff

iv. Availability of equipment and facilities

v. Capabilities of staff and equipment

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h. Receipt of Media Work Order does not in any way guarantee approval of applicant's request.

i. Completed programs and all work footage shall be the sole property of the City of

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Calabasas. Copies of completed programs may be purchased on ~~VHS or SVHS videotape~~ DVD or format deemed appropriate by the MLIS Director at a purchase price to be set by resolution of the City Council.

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j. It is the policy of ~~the Video Unit~~ CTV to retain completed programs for a minimum of six months, after which time the ~~tapes~~ footage may be ~~reused or~~ discarded. ~~During that period, tapes may be retained, or erased, at the discretion of the Media Operations Director. Work footage will be erased immediately upon the completion of the program, and will not be available to anyone for any purpose at any time.~~

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k. Taping and/or post production of the event does not in any way guarantee that the event will be telecast on CTV.

3. Equipment Usage Procedures

a. Video equipment and facilities may be used ~~in studio, or in the Council Chambers,~~ by trained members of CTV staff with the approval of the ~~Media Operations~~ MLIS Director.

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~~b. While CTV may choose at various times to conduct video training sessions for the benefit of City staff members, there will be no obligation to conduct any other such sessions except by direction of the City Manager.~~

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c. CTV is not obligated to allow City equipment or facilities to be interfaced with any other equipment or facilities. Any user tampering with, adjusting or altering any City equipment or facilities may be subject to immediate forfeiture of their right to use said equipment or facilities.

d. Completed programs will be screened for compliance with channel objectives and City policies, and for technical quality. Use of equipment and facilities to produce a program will not guarantee time on CTV for that program. The program may be accepted as presented, turned down completely, or given conditional approval. In the case of conditional approval, the program producer may make specified changes in order to bring the program into compliance, or may withdraw the program from consideration altogether.

e. ~~Video tape~~ Material considered obscene, as defined by the FCC and the Supreme

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Court, ~~shall not be brought into City Hall, or~~ any video control room, be viewed on any City computer, or be present at any time in the possession of a member of CTV staff or video volunteer on any shoot, either in the field or inside any municipal building.

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4. Air-Time Request Procedures

a. ~~Air-Play-back~~ time on CTV may be requested for ~~telecast of a non-CTV pre-produced~~ an outside program or series, providing the program is suitable for airing on the channel.

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b. To submit a program for consideration, an Air-time Request Form describing program title, topic, format, and running time is required along with ~~an SVHS videotape~~ a digital or physical copy of the program.

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~~c. Programs~~ Programs will be screened for CTV suitability, compliance with Channel Objectives and City Policies and for technical quality. The program may be accepted or rejected, in whole or in part, by the ~~Media Operations~~ MLIS Director based on any or all of the qualifying criteria.

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d. No programming containing commercial advertising will be allowed on CTV unless there is an overriding public interest.

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e. If approved for telecast, the ~~Media Operations~~ MLIS Director will determine when and how often the program will appear in the CTV schedule, but will schedule the program no more ~~often~~ frequently than specified by the program presenter.

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f. It is the responsibility of the applicant to obtain all copyrights and all clearances to all portions of the submitted program including, but not limited to, video, performance, music, song, theatrical and film rights. The ~~Media Operations~~ MLIS Director may require written proof ~~of~~ approvals and/or require the applicant to sign a statement that all approvals have been secured and to provide satisfactory indemnification of CTV and the City of Calabasas.

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~~g. Applicant must provide all programs on SVHS videotape, to be retained by CTV staff for the length of time that the program is to be run on CTV. If applicant wishes to have the tape(s) returned after it has completed its run on CTV, he/she must provide a mailing~~

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~~envelope or carton, with address label and sufficient postage, or should make arrangements to pick up the tape(s) within two weeks of the end of the scheduled run. Any tapes left longer than two weeks, unless otherwise arranged, may be discarded or erased for re-use.~~

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5. Emergency Procedures

Emergency programming is to be originated and authorized only by City Administration, Police, Fire, Public Works or emergency service personnel. Under no circumstances will access to CTV for emergency communications be granted to anyone who does not have the proper authority to initiate emergency procedures.

Emergency programming is considered top priority on CTV – The Calabasas Channel.

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6. Live Coverage of City Functions

a. CTV, the Calabasas Channel, currently carries live coverage of the City of Calabasas Council meetings and designated Commission meetings. While such coverage is taking place, no other video production crew will be allowed in the meeting locale (except for production of film or videotape for news purposes by recognized broadcast media agencies) without special permission from the City Council or Media Operations MLIS Director or the City Manager as appropriate.

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b. The highest quality of responsible meeting coverage can be achieved by a standardization of taping procedures.

i. Presentation by the public, visuals, overheads, performances, etc., should be assigned to one location, which is to be equipped with proper lighting, microphones, camera angles, etc.

ii. Coverage of the meeting should be objective, with camera shots limited to straight on head-and-shoulders shots of speakers, and cover shots of meeting participants. Directors should avoid subjective close-ups, unique angles, harsh or tinted lighting, and camera shots that portray anyone in a particularly negative or unfavorable manner.

7. ~~Tape~~ Meeting Storage/Sale Policy

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~~Videotapes from~~ Copies of the Calabasas City Council and Commission meetings will be retained in perpetuity as requested by the City Council. These ~~tapes~~ recordings are the official record of the meetings and the only detailed records. The City Council

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shall have notice prior to any destruction of the ~~tapes. These tapes may be viewed by appointment at the office of Media Operations Department during normal business hours. Copies of these tapes may be purchased from the Media Operations Department for \$15 or may be borrowed for up to one week.~~ recordings. DVD meeting copies may be purchased from the Media Operations Department in accordance with the City Fees Policy.


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CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 16, 2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DEBORAH STELLER, MEDIA, LIBRARY AND INFORMATION SERVICES DIRECTOR 

SUBJECT: DISCUSSION OF CTV COVERAGE/PROTOCOLS DURING 2018 ELECTION

MEETING DATE: APRIL 25, 2018

BACKGROUND AND DISCUSSION:

Council member James Bozajian requested a discussion on CTV Coverage/Protocols during the 2018 Election campaign.

The next City of Calabasas Municipal Election will be held on November 6, 2018. There are three City Council seats open. As a result of SB 415, Calabasas municipal elections were moved from March to November to coincide with national elections. Part of those changes included making the Los Angeles County Registrar the oversight body for registering candidates and counting ballots. The Calabasas City Clerk used to oversee that process at the Calabasas Civic Center. Since results won't be tallied locally, and results likely won't be known until late on election night or the next day, CTV will not hold live election night coverage as it has in the past.

CTV has traditionally provided the community with election coverage in order to provide citizens with information about candidates and issues. CTV is a government access channel and as such takes great care to provide unbiased coverage during campaigns and elections. Planned coverage for the 2018 Election includes individual interviews with candidates, coverage of a City sponsored candidate forum as outlined in the City Channel Policy, detailed website information

and video archives, and modified coverage of election returns on November 6 and 7, 2018 including graphic updates on CTV and updated online coverage.

The City Channel Policy is on the City Council agenda for discussion on April 25, 2018. Since it is the item prior to this discussion, a redlined version of the section that deals with political broadcasts is listed below:

F 1. Political Broadcasts

~~4~~a. Declared candidates for any elective public office and persons advocating any cause, viewpoint or policy, proposed or otherwise, will not be eligible to appear on CTV, except in a program or series where the format allows for all candidates or sides of an issue to be heard on an equal basis and within the same format- at a comparable time.

Candidates for public office may appear on CTV on a bona fide news program; a news documentary, if the appearance of the candidate is incidental to presentation ~~of~~ for the subject matter; ~~or.~~ They may also appear in coverage of official City meetings or special events such as City Council, Commissions, or ~~Committees.~~ the Mayor's State of the City Address. CTV and the ~~Media Operations~~ MLIS Director will make every effort to ensure that any appearance, except as authorized in ~~Section 1.,~~ this section, by any qualified political candidate on CTV will abide by these restrictions, and will tailor such appearances so as to minimize the fact of their candidacy. Decisions on allowable program formats and appearances by qualified political candidates will be made by the City Manager. Should an appearance by a qualified political candidate be determined to fall outside of the categories of exempt programming mentioned above, then CTV will afford equal opportunities to all other candidates for that office.

~~2~~b. A candidate requesting such equal opportunities on CTV shall have the burden of proving that he or she and the opponent are legally qualified candidates for the same office. A request for equal opportunity for use of CTV must be submitted to the ~~Media Operations~~ MLIS Director within one week of the day on which the first prior use, giving rise to the right to equal time, occurred~~7.~~ This is provided that such candidate or spokesperson was not already offered an opportunity to appear on CTV on an equal basis with all other candidates or spokesperson for this office or issue.

~~3~~c. When scheduling for equal opportunity programming, the ~~Media Operations~~ MLIS Director will do her/his best to provide the opponent(s) air-playback time on a similar day, at a similar time, and under similar conditions as the prior cable-cast, and within as efficient and effective time period as possible, but with no guarantee of being able to match cable-cast conditions exactly. All decisions

on equal opportunity program schedules will be made by the ~~Media Operations~~ MLIS Director, under direction from the City Manager ~~and City Council~~, and shall be final.

~~4d.~~ Programming by any other governmental group, individual or entity not an official ~~branch part~~ of the City of Calabasas, may be allowed if the event or program to be taped is co-sponsored by the City of Calabasas, or special permission is obtained from the ~~Media Operations~~ MLIS Director.

~~5.e.~~ CTV may provide coverage of up to three (3) candidate forums coordinated and sponsored by the City and moderated by an independent, nonpolitical organization. The number of candidate forums and the moderator will be determined by the City Manager, City Attorney, and MLIS Director ~~of Media Operations based upon~~ consistent with these guidelines and provisions.

~~f.~~ CTV provides coverage of the Annual Mayor's State of the City Address. The Annual Mayor's State of the City Address shall take place at least a week after the Tuesday following the first Monday in the month of November prior to the date of reorganization.

REQUESTED ACTION:

This is an informational item and requires no City Council action.



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
City Clerk					
101756	4/11/2018	GLADWELL GOVERNMENTAL	RECORDS MANAGEMENT CONSULTING	500.00	City Clerk
101747	4/11/2018	CYBERCOPY	COPY/PRINTING SERVICE	99.23	City Clerk
101747	4/11/2018	CYBERCOPY	COPY/PRINTING SERVICE	86.79	City Clerk
101787	4/11/2018	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	City Clerk
Total Amount for 4 Line Item(s) from City Clerk				\$731.02	
City Council					
101685	4/4/2018	CALABASAS- LAS VIRGENES	MEMBERSHIP DUES- M.S. MAURER	100.00	City Council
Total Amount for 1 Line Item(s) from City Council				\$100.00	
Civic Center O&M					
101758	4/11/2018	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	2,806.79	Civic Center O&M
101758	4/11/2018	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	1,845.96	Civic Center O&M
101723	4/4/2018	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	785.57	Civic Center O&M
101792	4/11/2018	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	743.07	Civic Center O&M
101700	4/4/2018	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	582.32	Civic Center O&M
101750	4/11/2018	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- CITY HALL	500.00	Civic Center O&M
101700	4/4/2018	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	470.81	Civic Center O&M
101750	4/11/2018	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- LIBRARY	250.00	Civic Center O&M
101754	4/11/2018	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	160.96	Civic Center O&M
101754	4/11/2018	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	160.96	Civic Center O&M
Total Amount for 10 Line Item(s) from Civic Center O&M				\$8,306.44	
Community Development					
101767	4/11/2018	M6 CONSULTING, INC.	PLAN CHECK SERVICES	41,502.30	Community Development
101767	4/11/2018	M6 CONSULTING, INC.	INSPECTION SERVICES	6,207.50	Community Development
101778	4/11/2018	RINCON CONSULTANTS INC	ENVIRONMENTAL CONSULTING	5,596.00	Community Development
101767	4/11/2018	M6 CONSULTING, INC.	PERMIT SERVICES	5,040.00	Community Development
101721	4/4/2018	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	249.18	Community Development
101787	4/11/2018	VALLEY NEWS GROUP	LEGAL ADVERTISING	180.00	Community Development
101751	4/11/2018	ENVIRONMENTAL SCIENCE	ENVIRONMENTAL CONSULTING	77.50	Community Development
101787	4/11/2018	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	Community Development
101747	4/11/2018	CYBERCOPY	COPY/PRINTING SERVICE	41.46	Community Development





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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
101747	4/11/2018	CYBERCOPY	COPY/PRINTING SERVICE	36.96	Community Development
101721	4/4/2018	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	10.58	Community Development
Total Amount for 11 Line Item(s) from Community Development				\$58,986.48	

Community Services

101681	4/4/2018	AGOURA HILLS,CALABASAS COM CTR	FACILITY RENTAL- B-BALL	4,824.00	Community Services
101726	4/11/2018	ALLIANT INSURANCE SERVICES INC	SPECIAL EVENTS INS- DE ANZA	3,483.00	Community Services
101715	4/4/2018	SUPER SOCCER STARS	RECREATION INSTRUCTOR	3,203.38	Community Services
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	3,158.66	Community Services
101706	4/4/2018	MONAHAN/ANN//	RECREATION INSTRUCTOR	2,775.50	Community Services
101709	4/4/2018	NICHOLSON/TRISSA//	RECREATION INSTRUCTOR	2,425.50	Community Services
101784	4/11/2018	SWAN-MCDONALD/DEBORAH//	RECREATION INSTRUCTOR	1,839.60	Community Services
101702	4/4/2018	MAGICAL MUSICAL MOMENTS	RECREATION INSTRUCTOR	1,599.32	Community Services
101758	4/11/2018	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	1,311.37	Community Services
101783	4/11/2018	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,299.10	Community Services
101794	4/11/2018	WOLF/MEL//	RECREATION INSTRUCTOR	1,278.20	Community Services
101696	4/4/2018	JACOBS/SAUL//	RECREATION INSTRUCTOR	1,125.00	Community Services
101693	4/4/2018	DOMINE/JAMES//	RECREATION INSTRUCTOR	1,071.00	Community Services
101684	4/4/2018	BENDAVID/MICHAEL//	RECREATION INSTRUCTOR	871.50	Community Services
101736	4/11/2018	BLUM/ELIZABETH//	RECREATION INSTRUCTOR	868.70	Community Services
101789	4/11/2018	VERGUN/SHANNON JANNETTE//	RECREATION INSTRUCTOR	784.00	Community Services
101763	4/11/2018	LERMA/ANGEL//	RECREATION INSTRUCTOR	651.00	Community Services
101743	4/11/2018	BROWN/JERRY//	RECREATION INSTRUCTOR	576.00	Community Services
101752	4/11/2018	ESGRO/DONNA BURKE//	RECREATION INSTRUCTOR	575.40	Community Services
101769	4/11/2018	MCDONALD/BRUCE//	RECREATION INSTRUCTOR	563.50	Community Services
101723	4/4/2018	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	521.80	Community Services
101762	4/11/2018	KOBlick/WENDY SUE//	RECREATION INSTRUCTOR	420.00	Community Services
101713	4/4/2018	SNAP-O-GRAM	PHOTOS- EGGHUNT	400.00	Community Services
101723	4/4/2018	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	371.61	Community Services
101734	4/11/2018	BELSLEY/JAMES//	RECREATION INSTRUCTOR	361.20	Community Services
101753	4/11/2018	FRIENDS OF MANZANAR	SENIOR EXCURSION	300.00	Community Services
101700	4/4/2018	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	185.84	Community Services
101750	4/11/2018	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- SR CTR	185.00	Community Services
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	136.00	Community Services
101707	4/4/2018	MOODY/DESTINY//	ENTERTAINMENT- EGGHUNT	100.00	Community Services
101774	4/11/2018	PORT-A-STOR INC.	STORAGE - LUPIN HILL	85.00	Community Services



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
101774	4/11/2018	PORT-A-STOR INC.	STORAGE - A E WRIGHT	85.00	Community Services
101721	4/4/2018	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	59.62	Community Services
101687	4/4/2018	CLARK PEST CONTROL	PEST CONTROL SERVICES	45.00	Community Services
101723	4/4/2018	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	41.70	Community Services
101689	4/4/2018	COMMERCIAL MAINTENANCE	JANITORIAL SERVICES	30.94	Community Services
101766	4/11/2018	LIVESCAN	FINGERPRINTING SERVICES	15.00	Community Services
Total Amount for 37 Line Item(s) from Community Services				\$37,627.44	
Finance					
101772	4/11/2018	MUNISERVICES, LLC	UUT COMPLIANCE SERVICES	4,506.34	Finance
101725	4/11/2018	ADP, INC	PAYROLL PROCESSING	3,473.64	Finance
Total Amount for 2 Line Item(s) from Finance				\$7,979.98	
Klubhouse Preschool					
101721	4/4/2018	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	139.13	Klubhouse Preschool
101687	4/4/2018	CLARK PEST CONTROL	PEST CONTROL SERVICES	105.00	Klubhouse Preschool
101689	4/4/2018	COMMERCIAL MAINTENANCE	JANITORIAL SERVICES	72.18	Klubhouse Preschool
Total Amount for 3 Line Item(s) from Klubhouse Preschool				\$316.31	
Library					
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	4,853.35	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	3,709.91	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	3,178.84	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	3,060.37	Library
101735	4/11/2018	BIBLIOTHECA, LLC	E-BOOKS	2,885.01	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	2,756.30	Library
101746	4/11/2018	CUSTOM PLASTIC CARD COMPANY	LIBRARY CARDS	1,515.00	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	1,443.30	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	1,374.59	Library
101731	4/11/2018	BAKER & TAYLOR	BOOKS-LIBRARY	1,279.46	Library
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	826.70	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	554.40	Library
101777	4/11/2018	RECORDED BOOKS, LLC	BOOKS ON CD	540.24	Library
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	526.50	Library



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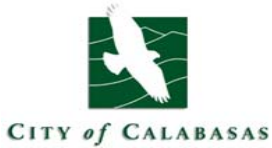
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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	496.98	Library
101759	4/11/2018	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	445.54	Library
101759	4/11/2018	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	382.65	Library
101738	4/11/2018	CALIFA GROUP	SUBSCRIPTION DUES	294.00	Library
101785	4/11/2018	TIME WARNER CABLE	CABLE MODEM- LIBRARY	290.00	Library
101742	4/11/2018	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- WHG01368	193.20	Library
101741	4/11/2018	CANON FINANCIAL SERVICES INC	CANON COPIER LEASES	149.88	Library
101777	4/11/2018	RECORDED BOOKS, LLC	BOOKS ON CD	147.48	Library
101777	4/11/2018	RECORDED BOOKS, LLC	BOOKS ON CD	135.48	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	129.69	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	118.80	Library
101759	4/11/2018	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	111.57	Library
101742	4/11/2018	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- WHG01091	109.05	Library
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	90.27	Library
101771	4/11/2018	MIDWEST TAPE	DVD'S-LIBRARY	88.72	Library
101742	4/11/2018	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- WHG01368	75.60	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	73.26	Library
101777	4/11/2018	RECORDED BOOKS, LLC	E- AUDIO BOOKS	63.20	Library
101777	4/11/2018	RECORDED BOOKS, LLC	E- AUDIO BOOKS	63.20	Library
101777	4/11/2018	RECORDED BOOKS, LLC	E- AUDIO BOOKS	56.90	Library
101731	4/11/2018	BAKER & TAYLOR	BOOKS-LIBRARY	55.58	Library
101777	4/11/2018	RECORDED BOOKS, LLC	E- AUDIO BOOKS	48.02	Library
101777	4/11/2018	RECORDED BOOKS, LLC	BOOKS ON CD	45.55	Library
101777	4/11/2018	RECORDED BOOKS, LLC	BOOKS ON CD	45.55	Library
101777	4/11/2018	RECORDED BOOKS, LLC	E- AUDIO BOOKS	43.33	Library
101777	4/11/2018	RECORDED BOOKS, LLC	E- AUDIO BOOKS	40.80	Library
101731	4/11/2018	BAKER & TAYLOR	BOOKS-LIBRARY	26.58	Library
101731	4/11/2018	BAKER & TAYLOR	BOOKS-LIBRARY	25.23	Library
101731	4/11/2018	BAKER & TAYLOR	BOOKS-LIBRARY	15.31	Library
101731	4/11/2018	BAKER & TAYLOR	BOOKS-LIBRARY	10.55	Library
101755	4/11/2018	GALE CENGAGE LEARNING	E-BOOKS	-396.78	Library
Total Amount for 45 Line Item(s) from Library				\$31,979.16	

LMD #22

101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,524.00	LMD #22
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	685.00	LMD #22



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101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	650.00	LMD #22
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	420.00	LMD #22
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	261.00	LMD #22
101783	4/11/2018	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	139.26	LMD #22
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	110.88	LMD #22
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	42.54	LMD #22
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	12.70	LMD #22
Total Amount for 9 Line Item(s) from LMD #22				\$5,845.38	
<u>LMD #24</u>					
101730	4/11/2018	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	4,340.00	LMD #24
101708	4/4/2018	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	1,235.00	LMD #24
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	7.92	LMD #24
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	3.04	LMD #24
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	0.91	LMD #24
Total Amount for 5 Line Item(s) from LMD #24				\$5,586.87	
<u>LMD #27</u>					
101730	4/11/2018	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,300.00	LMD #27
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	1.98	LMD #27
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	0.76	LMD #27
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	0.23	LMD #27
Total Amount for 4 Line Item(s) from LMD #27				\$1,302.97	
<u>LMD #32</u>					
101730	4/11/2018	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	560.00	LMD #32
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	1.98	LMD #32
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	0.76	LMD #32
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	0.23	LMD #32
Total Amount for 4 Line Item(s) from LMD #32				\$562.97	

LMD 22 - Common Benefit Area

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101704	4/4/2018	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	11,730.00	LMD 22 - Common Benefit Area
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	225.74	LMD 22 - Common Benefit Area
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	107.00	LMD 22 - Common Benefit Area
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	80.80	LMD 22 - Common Benefit Area
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	32.00	LMD 22 - Common Benefit Area
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	19.96	LMD 22 - Common Benefit Area
Total Amount for 6 Line Item(s) from LMD 22 - Common Benefit Area				\$12,195.50	
<u>Media Operations</u>					
101749	4/11/2018	DOERSCHEL/DARREN P.//	CONSULTANT SERVICES	2,635.00	Media Operations
101729	4/11/2018	AT&T	TELEPHONE SERVICE	1,099.51	Media Operations
101782	4/11/2018	SOLID WASTE SOLUTIONS, INC	FILM PERMITS/SERVICES	825.00	Media Operations
101770	4/11/2018	MEGAPATH CLOUD COMPANY	DSL SERVICE	443.65	Media Operations
101795	4/11/2018	YIN/TONG//	REIMBURSE- DOMAIN RENEWAL	254.89	Media Operations
101740	4/11/2018	CALNET TECHNOLOGY GROUP	LASER FISCHE PORTAL	200.00	Media Operations
101729	4/11/2018	AT&T	TELEPHONE SERVICE	165.13	Media Operations
101757	4/11/2018	GRACENOTE MEDIA SERVICES	CTV GUIDE LISTING	99.79	Media Operations
101744	4/11/2018	CHARTER COMMUNICATIONS	CABLE MODEM- CITY HALL	86.40	Media Operations
101790	4/11/2018	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	51.77	Media Operations
Total Amount for 10 Line Item(s) from Media Operations				\$5,861.14	
<u>Non-Departmental</u>					
101742	4/11/2018	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- JME22147	313.41	Non-Departmental
Total Amount for 1 Line Item(s) from Non-Departmental				\$313.41	
<u>Payroll</u>					
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	7,746.15	Payroll
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	4,221.27	Payroll
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	810.68	Payroll
Total Amount for 3 Line Item(s) from Payroll				\$12,778.10	

Police / Fire / Safety



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101765	4/11/2018	LIFELOC TECHNOLOGIES, INC.	PAS UNIT MAINTENANCE	1,542.00	Police / Fire / Safety
101745	4/11/2018	CRASH DATA GROUP INC	DATA RECORDER EQUIPMENT	178.35	Police / Fire / Safety
Total Amount for 2 Line Item(s) from Police / Fire / Safety				\$1,720.35	

Public Works

101694	4/4/2018	GMZ ENGINEERING, INC.	CONSULTING SERVICES	347,318.61	Public Works
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	17,750.85	Public Works
101793	4/11/2018	WILHELM/RICHARD//	FIELD INVESTIGTN/DRAFTING SVCS	2,640.00	Public Works
101697	4/4/2018	JK ASSOCIATES INC.	ENGINEERING SERVICES	2,409.53	Public Works
101779	4/11/2018	RIVERA/CLARIS//	CONSULTING SERVICES	560.00	Public Works
101779	4/11/2018	RIVERA/CLARIS//	CONSULTING SERVICES	560.00	Public Works
101728	4/11/2018	ARUCAN/KEVIN//	CONSULTING SERVICES	560.00	Public Works
101728	4/11/2018	ARUCAN/KEVIN//	CONSULTING SERVICES	560.00	Public Works
101737	4/11/2018	BRIGHTVIEW TREE COMPANY	ARBOR DAY TREES	558.45	Public Works
101700	4/4/2018	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	526.70	Public Works
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	385.00	Public Works
101719	4/4/2018	VALLEY NEWS GROUP	ARBOR DAY ADVERTISING	375.00	Public Works
101788	4/11/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	302.00	Public Works
101783	4/11/2018	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	207.07	Public Works
101701	4/4/2018	LEGACY AWARDS	ENVIRONMENTAL PLAQUE	65.70	Public Works
101700	4/4/2018	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	47.20	Public Works
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	37.50	Public Works
101788	4/11/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	35.00	Public Works
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	24.90	Public Works
Total Amount for 19 Line Item(s) from Public Works				\$374,923.51	

Recoverable / Refund / Liability

101748	4/11/2018	DEPARTMENT OF CONSERVATION	1ST QUARTER 2018 SMIP FEE	3,977.55	Recoverable / Refund / Liability
101773	4/11/2018	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	1,347.50	Recoverable / Refund / Liability
101739	4/11/2018	CALIFORNIA BUILDING STANDARDS	1ST QTR 2018 GREEN BLDG	1,109.70	Recoverable / Refund / Liability
101773	4/11/2018	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	294.30	Recoverable / Refund / Liability
101764	4/11/2018	LEVEY/CAROL//	REFUND FACILITY RENTAL	180.00	Recoverable / Refund / Liability
101705	4/4/2018	METCO GROUP, INC.	REFUND ENCROACHMENT PERMIT	158.90	Recoverable / Refund / Liability
101724	4/4/2018	YOUNG/KIM//	RECREATION REFUND	150.00	Recoverable / Refund / Liability
101683	4/4/2018	AMERICAN RESIDENTIAL SERVICES	REFUND BUILDING PERMIT	56.24	Recoverable / Refund / Liability



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101714	4/4/2018	STATE DISBURSMENT	WAGE GARNISHMENT- 3/30/18	46.15	Recoverable / Refund / Liability
101695	4/4/2018	GOULD/MARCIA//	RECREATION REFUND	42.00	Recoverable / Refund / Liability
101692	4/4/2018	DEGANI/NURIT//	RECREATION REFUND	42.00	Recoverable / Refund / Liability
101718	4/4/2018	TOUMANI/MONICA//	RECREATION REFUND	35.00	Recoverable / Refund / Liability
101712	4/4/2018	QUON-ORLANDO/PATRICIA//	RECREATION REFUND	35.00	Recoverable / Refund / Liability
101761	4/11/2018	KAY/JOAN//	RECREATION REFUND	18.00	Recoverable / Refund / Liability
101694	4/4/2018	GMZ ENGINEERING, INC.	CONSULTING SERVICES	-17,365.93	Recoverable / Refund / Liability
Total Amount for 15 Line Item(s) from Recoverable / Refund / Liability				<u><u>\$-9,873.59</u></u>	

Tennis & Swim Center

101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	3,720.94	Tennis & Swim Center
101700	4/4/2018	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,401.68	Tennis & Swim Center
101716	4/4/2018	TOP SEED TENNIS ACADEMY, INC.	RECREATION INSTRUCTOR	955.50	Tennis & Swim Center
101686	4/4/2018	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	943.88	Tennis & Swim Center
101688	4/4/2018	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	669.70	Tennis & Swim Center
101722	4/4/2018	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	532.94	Tennis & Swim Center
101791	4/11/2018	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	317.27	Tennis & Swim Center
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	233.61	Tennis & Swim Center
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	169.49	Tennis & Swim Center
101720	4/4/2018	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	160.60	Tennis & Swim Center
101722	4/4/2018	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	102.93	Tennis & Swim Center
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	36.86	Tennis & Swim Center
101717	4/4/2018	TOTAL GRAPHICS	FACILITY SIGNS	36.02	Tennis & Swim Center
101775	4/11/2018	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- APR 18	28.29	Tennis & Swim Center
101733	4/11/2018	BCC	LIFE & DISABILITY INS- APR 18	16.37	Tennis & Swim Center
101699	4/4/2018	KISHIMOTO/RAINE//	REIMB MILEAGE - MAR 18	10.52	Tennis & Swim Center
101717	4/4/2018	TOTAL GRAPHICS	FACILITY SIGNS	10.51	Tennis & Swim Center
101691	4/4/2018	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2018	3.40	Tennis & Swim Center
Total Amount for 18 Line Item(s) from Tennis & Swim Center				<u><u>\$10,350.51</u></u>	

Transportation

101781	4/11/2018	SECURITY PAVING COMPANY INC	LOST HILLS INTERCHANGE	406,926.68	Transportation
101710	4/4/2018	PARSONS TRANSPORTATION GROUP	LOST HILLS INTERCHANGE	78,933.43	Transportation
101732	4/11/2018	BANK OF SACRAMENTO	LOST HILLS PROJ- RETENTION	21,417.19	Transportation
101711	4/4/2018	PCI	PAVEMENT STRIPING & MARKING	11,921.67	Transportation



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101698	4/4/2018	KIER & WRIGHT CIVIL ENGINEERS	ENGINEERING SERVICES	8,866.85	Transportation
101703	4/4/2018	MALIBU CANYON SHELL	FUEL CHARGES- JAN 2018	7,002.07	Transportation
101703	4/4/2018	MALIBU CANYON SHELL	FUEL CHARGES- NOV 2017	6,114.36	Transportation
101703	4/4/2018	MALIBU CANYON SHELL	FUEL CHARGES- FEB 2018	5,918.48	Transportation
101682	4/4/2018	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	5,786.95	Transportation
101703	4/4/2018	MALIBU CANYON SHELL	FUEL CHARGES- AUG 2017	5,256.96	Transportation
101703	4/4/2018	MALIBU CANYON SHELL	FUEL CHARGES- DEC 2017	4,365.11	Transportation
101760	4/11/2018	JOHN KULAR CONSULTING	ENGINEERING SERVICES	4,327.34	Transportation
101783	4/11/2018	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,115.51	Transportation
101796	4/12/2018	DCH TOYOTA OF SIMI VALLEY	1ST MONTH PAYMENT (6) PRIUS C	2,092.14	Transportation
101776	4/11/2018	R P BARRICADE INC	EQUIPMENT RENTAL- MUL TOPANGA	817.00	Transportation
101780	4/11/2018	SAFEWAY SIGN COMPANY	TRAFFIC SIGNS	351.04	Transportation
101786	4/11/2018	TOYOTA FINANCIAL SERVICES	LEASE PAYMENT- APR 2018	260.10	Transportation
101698	4/4/2018	KIER & WRIGHT CIVIL ENGINEERS	ENGINEERING SERVICES	92.50	Transportation
101768	4/11/2018	MC CAIN PERFORMANCE DRIVEN	TRAFFIC EQUIPMENT PARTS	76.91	Transportation
101776	4/11/2018	R P BARRICADE INC	EQUIPMENT RENTAL- LOST HILLS	72.00	Transportation
101727	4/11/2018	ARC DOCUMENT SOLUTIONS, LLC	COPY/PRINTING SERVICE	47.41	Transportation
101690	4/4/2018	COUNTY OF LOS ANGELES	CONTRACT SERVICES	23.22	Transportation
Total Amount for 22 Line Item(s) from Transportation				\$573,784.92	
GRAND TOTAL for 231 Line Items				\$1,141,378.87	

TENTATIVE FUTURE AGENDA ITEMS

Department Agenda Headings Agenda Title/Future Agenda

9-May

CC	Presentation	Municipal Clerks Week Proclamation
CD	Public Hearing	Introduction of Ordinance No. 2018-362, community development forums
CD	New Business	Discussion of process for small projects
CD	Public Hearing	Planning fee increases for commercial and multi-family projects

Future Items

CC	Consent	Election Resolutions
CD	New Business	Consideration of refund to LVUSD for Blackbird
PW	New Business	Plastic bag ordinance review by EC, including cost of bags
PW	New Business	Enviromental Commission recommendation for outreach plan regarding plastic straws, etc.
PS	New Business	PS recommendation regarding false alarm fees
PS	New Business	PS recommendation regarding distracted walking/driving
CD	New Business	Ridgeline discussion
PS	Consent	Approval of Las Virgenes-Malibu COG Multi-Jurisdictional Hazard Mitigation Plan
CC	Consent	Conflict of Interest Code
CD	New Business	Annexation update/sphere of influence ideas
CS	New Business	PRE recommendations regarding Wild Walnut Park Master Plan
MO	New Business	CTC review of AM radio

2018 Meeting Dates

23-May	12-Sep - Canceled League's Annual Conference
13-Jun	26-Sep
16-Jun - Budget Workshop (Saturday)	10-Oct
27-Jun	24-Oct
11-Jul - Canceled	6-Nov - General Municipal Election
25-Jul - Canceled	14-Nov
8-Aug	28-Nov
22-Aug	12-Dec - Election Certification/Council Reorganization
	26-Dec - Canceled