

RESOLUTION NO. 2007-1097

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS ADOPT THE MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) AND APPROVE FILE NO(S). CUP-003-013, OAK-003-017, AND TT60488. A REQUEST FOR A CONDITIONAL USE PERMIT, OAK TREE PERMIT AND TENTATIVE TRACT MAP TO CONSTRUCT AN 86-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON 5 ACRES OF A 21 ACRE SITE (16 ACRES WILL REMAIN OPEN SPACE) FOR PROPERTY LOCATED AT 4240 LAS VIRGENES ROAD (APN: 2069-011-005 AND 2069-011-006) WITHIN THE COMMERCIAL, LIMITED ZONING DISTRICT AND A DESIGNATED SCENIC CORRIDOR (CL-SC).

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 July 11, 2007.
3. The Initial study, Mitigated Negative Declaration and any supporting documentation prepared by the Community Development Department.
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.

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

1. The applicant, Standard Pacific Homes, submitted an application on August 13, 2003 for a General Plan Amendment (File No: GPA-003-001), Zone Change (File No:ZCH-003-001), Conditional Use Permit (File No: CUP-003-013), Oak Tree Permit (File No: OAK-003-017) and Vesting Tentative Tract Map (File No: TTM-003-003, TT60488) to allow for the subdivision of a 21 acre-two parcel site into 42 lots in order to construct 40 single family homes and create one 11 acre open space lot and one private park lot.
2. On December 1, 2004, the City Council reviewed the Recirculated EIR and City Council voted to certify the EIR (vote was 4-1) as having met the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines.
3. A revised application for a multi-family project was submitted on October 20, 2005. On November 18, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
4. On June 20, 2006, the application was deemed complete and the applicant was notified.
5. A Mitigated Negative Declaration was prepared and distributed for public review. The review period was April 4, 2007 to May 4, 2007.
6. Notice of the April 26, 2007, Planning Commission public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
7. Notice of the April 26, 2007 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
8. Notice of the Planning Commission public hearing was mailed or delivered at least thirty (30) days prior to the hearing to the project applicant.
9. Notice of the July 11, 2007, City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
10. Notice of the July 11, 2007 City Council public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
11. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.

12. The project site is currently zoned Commercial Limited (CL).
13. The land use designations for the project site under the City's adopted General Plan are Business, Limited Intensity (B-LI).
14. The surrounding land uses around the subject property are zoned Residential Multi-family (RM), Residential Multi-family, Planned Development (RM-12 to 16-PD), Public Facilities (PF), and Open Space Development Restricted (OS-DR).
15. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b) (2).

Section 3. The City Council reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) and in view of all of the evidence concludes as follows:

Based upon the facts and information contained in the proposed Mitigated Negative Declaration and MMRP, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that with the proposed mitigation measures, there is no substantial evidence that the project will have a significant effect upon the environment and adopts the Mitigated Negative Declaration and MMRP based upon the findings as follows:

1. The Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act and the State CEQA guidelines promulgated thereunder; that said Mitigated Negative Declaration and the Initial Study prepared therefore reflect the independent judgment of the City Council; and, further, this Council has reviewed and considered the information contained in said Mitigated Negative Declaration and MMRP with regard to the application.
2. Based upon the design of proposed project and the mitigation measures incorporated, no significant adverse environmental effects will occur.
3. Pursuant to the provisions of Section 753.5(c) of Title 14 of the California Code of Regulations, the City Council finds that in considering the record as a whole, including the Initial Study, Mitigated Negative Declaration, and MMRP for the project, there is no evidence that the proposed project will have potential for an adverse impact upon wildlife resources or the habitat upon which wildlife depends. Furthermore, based upon substantial evidence contained in the Mitigated Negative Declaration, MMRP, the staff reports and

exhibits, and the information provided to the City Council during the public hearing, the City Council hereby rebuts the presumption of adverse effect as set forth in Section 753.5(c-1-d) of Title 14 of the California Code of Regulations.

Section 4. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows:

TENTATIVE TRACT MAP

Per Section 17.41.100(A) Calabasas Municipal Code the City Council can approve the Tentative Tract Map provided that the following finding is made:

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for disapproval in subsection (D) of this section, can be made.*

Staff reviewed this project for consistency with the General Plan as required in the General Plan Consistency Review Program. The Consistency Review report included with the staff report shows that the project meets all applicable performance standards contained in the consistency review program and all impacts fall below the maximum acceptable impacts for the consistency review program. Therefore, the project is consistent with the General Plan and meets this finding.

Section 17.41.100(D) Calabasas Municipal Code requires that a proposed tentative map be denied if any of the following findings can be made; because none of the findings can be made, the City Council can approve the Tentative Parcel Map:

1. *The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable specific plan;*

As discussed above the project is consistent with the General Plan. Therefore this finding can not be made, and the project can not be denied based on this finding.

2. *The site is not physically suitable for the type or proposed density of development;*

The site is suitable for this type of development and the proposed density of this development. The density of this project is under the maximum density allowed for the zoning district, and on a dwelling unit per acre standard, the project is only 25% as dense as the Residential Multi-family (RM) zoning

district allows. All other provisions of the Development Code and General Plan are met. Therefore, this finding can not be made, and the project can not be denied based on this finding.

3. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;*

As discussed in the Mitigated Negative Declaration, with the mitigation measures that are included in the project, no substantial environmental damage will occur, nor will any fish or wildlife or their habitat be injured. Therefore this finding can not be made, and the project can not be denied based on this finding.

4. *The design of the subdivision or type of improvements is likely to cause serious public health problems;*

Nothing in the record shows that the design of this subdivision or its related improvements will cause serious health problems. In fact, the proposed road improvements will assist to correct potential problems caused because the right-of-way is not fully improved. Therefore this finding can not be made, and the project can not be denied based on this finding.

5. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through the use of, property within the proposed subdivision;*

There is only one easement located on the property acquired by the public at large for access. There is a public right-of-way (Las Virgenes Road) at the western edge of the property which will be realigned to align with the right-of-way to both the North and South. As such, the project will actually improve the public street and access. Therefore, the project will not conflict with the easement and this finding can not be made, and the project can not be denied based on this finding.

6. *The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board; or*

According to a letter provided by the Las Virgenes Water District, the water district is prepared to serve this project. The water district is in compliance with the requirements of the Regional Water Quality Control Board and the project is required to meet the requirements of the water district for new

sewer facilities. Therefore this finding can not be made, and the project can not be denied based on this finding.

7. *The proposed subdivision is not consistent with all applicable provisions of this development code, any other applicable provisions of this code, and the Map Act.*

As discussed above the project is consistent with all aspects of the general plan, as well as the Development Code and the Subdivision Map Act. Therefore this finding can not be made, and the project can not be denied based on this finding.

CONDITIONAL USE PERMIT

Section 17.62.050(E) Calabasas Municipal Code allows the City Council to approve a Conditional Use Permit provided that the following findings are made:

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

The Use is shown as a conditionally permitted use in the land use table contained in Section 17.14.030 of the Calabasas Municipal Code. As shown in the staff report the project also complies with all applicable development standards contained the Development Code, as well as any applicable standards in the Las Virgenes Gateway Master Plan. Therefore the project meets this finding.

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

As discussed above, the project is consistent with the General Plan as shown through the General Plan Consistency Review Program report. Therefore the project meets this finding.

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

A Mitigated Negative Declaration (MND) was prepared for this project. The MND also incorporates by reference a previously certified Environmental Impact Report (EIR) for the property. Mitigation measures to reduce any impacts to a level of "Less than Significant" have been incorporated into the project and a Mitigation Monitoring and Reporting Program has been prepared. Therefore the project complies with the requirements of CEQA and meets this finding.

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

The surrounding land uses on two sides are also multi-family developments. They are at a greater density than what is proposed for this project. The proposed use is compatible with those uses. There is also a school to the west of the site. Residential developments are compatible with school facilities, since they will not provide the potential conflicts and hazards that high traffic commercial and industrial developments have. Finally the water district offices and facilities are located to the south of this site. Although this facility may not seem to be compatible, the proposed project is separated from the water district facilities by a hillside that ranges from approximately 40 feet to 90 feet higher than the top of the proposed project buildings. While the hillside serves to separate the two properties, it is not the water district facilities that need the buffer from this project. It is this project that needs to be buffered from the water district facilities. This project was specifically designed in such a manner to eliminate any potential incompatibilities between the water district's property and this project. The project is therefore compatible with the surrounding uses and meets this finding.

OAK TREE PERMIT

Section 17.26.070(E), Calabasas Municipal Code allows the City Council to approve an Oak Tree Permit provided that the following finding is 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 is otherwise 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 removal of the oak tree QL1 (#571) is necessary because the hillside where the tree is located must be graded to correct potential landslide problems before any project can be developed on this site. To correct these problems the hillside must be graded and will require the tree to be removed. The presence of the tree would prevent the grading of the hillside, thereby preventing the geological issues to be corrected and preventing the reasonable use of the land. Therefore the project meets this finding. Mitigation for the loss of this tree will be accomplished by requiring the applicant to replace inch for inch the tree being removed and therefore complying with the City's Oak tree ordinance.

SCENIC CORRIDOR

Section 17.18.040(D) Calabasas Municipal Code allows the City Council to approve development within the Scenic Corridor provided that the following findings are made:

1. *The proposed project design has considered and complies with the Scenic Corridor Development Guidelines adopted by the City Council;*

As discussed in the staff report, the proposed project complies with the both the scenic corridor design guidelines and the Las Virgenes Gateway Master Plan. Therefore the project meets the finding.

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

As discussed in the staff report, the proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor and the Las Virgenes Gateway Master Plan. Therefore the project meets the finding.

3. *The proposed project is within a rural scenic corridor designated by the General Plan, and is designed to ensure the continuing preservation of the rural character of the surrounding area.*

As discussed in the staff report, the proposed project is designed to ensure the continuing preservation of the rural character of the hillsides surrounding the project site and surrounding area while still being compatible with the urban development surrounding the property. Therefore the project meets the finding.

LAS VIRGENES GATEWAY MASTER PLAN

The Las Virgenes Gateway Master Plan requires the following findings to be made in order for the City Council to approve development within the Master Plan Area:

1. *The proposed project complies with or accommodates the public improvement plan in the Las Virgenes Gateway Master Plan.*

The proposed project has incorporated the design elements listed in Chapter 9 (Public Improvements) of the Las Virgenes Gateway Master Plan (LVGMP). In addition, the project meets the objectives of Chapter 9 of the LVGMP and implements the design of the roadway as designed and approved in the Las

Virgenes Corridor Design Plan (LVCDP). Therefore, the project meets this finding.

2. *The proposed project incorporates design measures to ensure maximum compatibility with the rural vision and theme of the Las Virgenes Gateway Master Plan.*

The proposed project incorporated the design guidelines and standards as listed in Chapter 7 (Design Guidelines and Standards) of the LVGMP, including designing the project in the Monterey architectural style and incorporating the necessary elements of site design, building design, architectural elements, building details, materials, and colors. The project has also incorporated the landscaping guidelines contained in this section to provide the uniformed theme of the master plan. Therefore, the project meets this finding.

3. *The proposed project incorporates architectural and landscaping elements that enhance the gateway.*

As discussed above, the proposed project incorporated the applicable guidelines to be compatible with the theme and vision of the master plan. By complying with the guidelines and the master plan, the project is also enhancing the gateway. Therefore, the project meets this finding.

4. *The project's vehicular access and parking plan minimizes conflicts and promotes efficient internal circulation and shared use of facilities wherever feasible.*

The proposed project uses an internal road to provide access to the underground parking garage. This plan will provide for two points of ingress/egress for the garage, thereby limiting the amount of conflicting movements. This arrangement provides for the safe and efficient movement of vehicles on the property. There is also two points of access for the property from Las Virgenes Road, which complies with the General Plan requirements for access and provides for appropriate access in case of emergency. Therefore, the project meets this finding.

5. *"Preferred" land uses as specified in the Land Use Plan Objectives have been incorporated into the project, as feasible.*

The LVGMP does not identify any preferred land uses for this property. Instead it identify that the current zoning is appropriate and that no changes are recommended. The Calabasas Development Code provides that Multi-family housing is allowed subject to approval of a Conditional Use Permit. Therefore, the project meets this finding.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby recommends the City Council approve File No(s). CUP-003-013, OAK-003-017, AND TT60488 subject to the following agreements and conditions:

I. INDEMNIFICATION

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 permit, or the activities conducted pursuant to said permits. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless the 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's 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 permit, or the activities conducted pursuant to this permit. Applicant 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.

CONDITIONS OF APPROVAL

Community Development Department / Planning Division

1. The proposed project shall be built in compliance with the approved plans dated December 21, 2006 on file with the Planning Division, including the changes made to the plans based on the Planning Commission's recommendations.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.

3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
5. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have signed this decision letter stating that the applicant or its successors and the owner are aware of and agree to accept all conditions of approval.
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. All landscaping is to be installed prior to occupancy by the applicant to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency. The landscaping will also comply with the Las Virgenes Gateway Master Plan, which requires use of drought tolerant plants and other water conservation standards.
8. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through landscaping, walls or a combination thereof.
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 of 60 watts or less on residential projects is exempt by the Lighting Ordinance.

10. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
11. 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.
12. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 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.
13. 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." Please contact the Public Works Department for a list of permitted haulers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
14. 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
15. Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.
16. Subject to the approval of the Los Angeles County Fire Department, the Northerly fire access drive shall be gated and landscaped with turf block or similar material.
17. Monumentation consistent with the Las Virgenes Gateway Master Plan Design Guidelines shall be required and the design of such monumentation shall be approved by the Community Development Director.

18. The nine (9) Plan 1 units shall be deed restricted as affordable units and priced to households with an income of up to seventy-five (75) percent of the county median income.
19. CC&Rs for the project shall be submitted to the Community Development Department for review by the City Attorney's office. The CC&Rs shall include a provision for the maintenance of the recontoured south slope and the drainage channel on the slope and behind the retaining wall.
20. A program and/or staff for preventive maintenance of major manufactured slope areas must be approved prior to approval of a final map, and shall include homeowner slope maintenance requirements and guidelines to be incorporated into the CC&Rs.
21. A minimum five year revegetation monitoring and maintenance program is required for all development requiring slope bank and/or habitat vegetation. The revegetation monitoring program shall include monthly inspection for months one through 12, quarterly inspection for months 12 through 36, and semi-annual inspection for months 36 through 60. Inspections shall be performed by a qualified botanist subject to City approval.
22. Protective fencing shall be installed around the two remaining Native Bunch Grass areas that are not going to be graded to protect them during construction and to avoid accidental impacts during the construction process.
23. Three additional trees not shown on the December 21, 2006 landscape plan shall be placed in front of building 3 to help screen the visual impacts. The species shall be determined by the City Council.
24. No trail shall be constructed in the future to connect this project with the open space located to the east of this project. Trail connections are, or will be provided at nearby locations (the Bark Park, and the Messenger site). A trail connection at this location is not identified in the City's Trail Master Plan and would provide greater access to the Water District's property creating a safety hazard, and is therefore not allowed.
25. Language shall be included in the CC&Rs that require owners to coordinate with the Homeowners Association for the project when owners plan to have large parties to ensure parking is adequately available.

Community Development Department / Consulting City Arborist

26. To compensate for the removal of 18" diameter of Valley Live Oak species (*Quercus Lobata*) shall be planted on the subject property (minimum one-inch caliper per tree) and shown on the final landscape plan. The applicant shall be allowed to adjust the location of the mitigation trees if required by the Fire Department's Fuel Modification Unit. The City Arborist and applicant shall make a recommendation to City staff as to the number and placement of Valley Oak Trees to satisfy this condition. This recommendation shall take into account minimizing the visual impact of the project on the Las Virgenes Scenic Corridor.
27. The mitigation monitoring and maintenance schedule 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.
28. The mitigation, monitoring and maintenance schedules shall be submitted and approved by the City's Arborist prior to issuance of a Building Permit.
29. All mitigation work shall be completed prior to the completion of project construction.
30. Prior to construction, the extent of all work affecting oak trees shall be staked, where applicable, by field survey and reviewed with the Oak Tree Preservation Consultant.
31. In order to protect the root system from unnecessary damage by excavation equipment, all vertical trenches and fence posts shall be hand dug at the final location to final grade and "bridged over." If any roots are encountered, the footings or posts shall be moved or the roots cleanly cut and sealed with tree/root seal, as approved by the Oak Tree Preservation Consultant.
32. All footings for wall construction shall be designed to provide minimal impact to the tree, and backfilled with topsoil.
33. 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).
34. 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.

35. Minor deadwood shall be removed from the trees per the direction of the Oak Tree Preservation Consultant.
36. Any work required beyond the scope of the approved oak tree permit shall be reviewed by the City Arborist and written approval shall be provided by the City prior to proceeding with out-of-scope work.
37. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
38. 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.
39. The area within the plastic construction/snow type fence should not be used at any time for material or equipment storage and parking.
40. 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.
41. The following work shall be conducted under the supervision, and per the direction, of the Oak Tree Preservation Consultant:
42. The applicant is permitted to remove Tree QL1 (#571) as shown on the approved plans on file with the Planning Division.
43. The applicant should adhere to the specific recommendations contained within the Oak Tree Report dated November 10, 2003 and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

Community Development Department / Building and Safety Division

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

45. The project must comply with the building codes in effect at this time, which are the "2002" Los Angeles County Building, Plumbing, and Mechanical codes, and the "2004" California Electrical Code.
46. The project is located within a designated "Very High Fire Hazard Severity Zone". The requirements of Chapter 64 of the 2002 Los Angeles County Building Code, Vol. 1, must be incorporated into all plans.

Public Works Department / Environmental Services Division

37. The applicant must complete and submit the "Development Construction Storm Water Requirements Review Checklist" and the associated State Storm Water Pollution Prevention Plan (SWPPP)/Wet Weather Erosion Control Plan (WWCEP) documents for approval prior to issuance of grading or building permits.
38. 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.
39. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 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.
40. 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." Please contact the Public Works Department for a list of permitted haulers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
41. Where feasible as part of the stormwater runoff management system, the project will include swales, berms, green filter strips, infiltration pits, and/or sediment traps.

42. The project will be subject to the City's source reduction and recycling program.

Traffic Department

43. The Right-of-Way width of Las Virgenes Road is to maintain a width of one hundred feet (100') as outlined in the Las Virgenes Road Corridor Design Plan (LVCDP). Actual roadway improvement widths may vary as approved by the City Engineer. The dedication of, or retention of right-of-way width to maintain 100 feet is required, unless specifically approved in writing by the City Engineer.
44. The project will require extensive roadway improvements. The overall proposed curb radius and curb alignment of the roadway improvements fronting the project must maintain, and transition with the existing curb radius on both ends of the project. The bus pad transitions and right turn pocket transition must be in addition to the ultimate curb radius along the project frontage. To avoid project conflicts the City Engineer must approve the roadway improvement design prior to the applicant receiving project design approval.
45. As a result of roadway realignment, this project is proposing new right-of-way boundaries that are within the existing right-of-way. This presumes that the project is requesting the vacation of assumed unused portions of post-project, City owned Right-of-way. Proper legal survey documents outlining the new property boundaries will be required to be submitted and approved to the Public Works Department prior to the issuance of a Certificate of Final Occupancy.
46. The project is within the Lost Hills/Las Virgenes Road Bridge and Thoroughfare Construction Fee District (B&T fee). Project will be required to pay \$1,971 per multi-family residential unit. As proposed, the B&T fee @ 86 units is \$169,506.00. Final payment amount will be based on number of approved units or square footage of use if not residential. Payment to City of B&T District Fee will be required prior to issuance of Certificate of Occupancy.
47. As per the Las Virgenes Road Corridor Design Plan, and as approved by the City Engineer, the applicant will install landscaped median islands along Las Virgenes Road for the length of the project. The median improvements will terminate no further than the project property line. The roadway improvement striping plans are to delineate transitions with existing conditions for a distance of 250 feet beyond project boundaries, or the minimum required

based on 50 mph design speed transitions.

48. As per previous negotiations between the applicant, the City and the Las Virgenes Unified School District, the applicant will provide internal circulation improvements to the Indian Hills High School parking lot which includes new access to the maintenance driveway. The applicant will also provide a median cut in the new median island on Las Virgenes Road to accommodate left turns out of the maintenance driveway of the school. The median cut must be shown on the roadway improvement plans and must be approved by the City Engineer.
49. The road improvements shall be constructed with the following changes to the LVCDP:
 - a. The left-turn pocket into the Las Virgenes Municipal Water District property shall be extended from the 120 feet shown in the LVCDP to 200 feet, to allow for greater stacking of vehicles into the Water District's facilities, thereby eliminating conflicts with the southbound travel lanes.
 - b. In order to further improve sight lines for vehicles turning left from the Water District's property, only low plants will be planted with plants that will not restrict visual sight lines. The types of plants and the exact distance of this planting shall be determined by the Landscape District Manager and the Public Works Director, prior to approval of the improvement plans and issuance of permits to construct the improvements.

Las Virgenes Municipal Water District

50. This project will be assured of connection to the water and sewer system of the district only if the applicant also satisfies all terms and conditions for service as set forth in the District's Code.
51. If the applicant's property cannot be served from an existing water main, then the applicant shall provide for the extension of the facilities necessary to provide such service in the manner set forth in Title 3 of the Las Virgenes Municipal Water District Code, Ordinance No. 11-86-161.
52. The project shall utilize reclaimed water for irrigating landscape areas.
53. The project shall utilize water conservation measures as required by the Water District through the review and approval of the project's Water System Design Report by the Water District.

54. The following language shall be included in the CC&Rs to advise potential residents of the nature of the Water District's facilities next door. It shall include a signature line for the homeowner(s) and shall read as follows:

"Las Virgenes Municipal Water District ("District") owns and will continue to occupy the property located at 4232 Las Virgenes Road in the City of Calabasas immediately adjacent to Tract No. 60488, Entrada at Malibu Canyon ("Entrada"). The District is a commercial and industrial use that operates administrative buildings, operating and maintenance buildings, an emergency generator, a major recycled water pump station and an open recycled water storage reservoir on the site. District operations and uses may take place 24 hours each day, seven days a week, throughout the year in providing services to its customers. These activities include, but are not limited to; to water pumping operations; heavy construction equipment traffic; maintenance of vehicles and equipment; dispatching of work crews; material laydown and storage of materials such as asphalt cold-patch, compost, fuel dispensers, oils and solvents and other warehousing operations; heavy vehicle traffic; operation and testing of emergency generator; and truck delivery of supplies and equipment necessary for the effective operation of the District to protect the health and safety of its customers and the community. These activities can result in noise, fumes, dust, nighttime security lighting that may be heard or observed from the Entrada property. The District has stated its intention to expand its operations and activities on its property consistent with operational requirements.

Homeowners acknowledge these conditions and hold Las Virgenes Municipal Water District harmless from any nuisance claims associated with the aforementioned activities and operations. Homeowners further acknowledge access to or through District property and facilities is restricted".

Los Angeles County Fire Department / Land Development Unit

55. Access shall comply with Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.
56. Fire Department Access shall be extended to within 150 feet distance of any exterior portion of all structures.
57. Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed,

constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

58. Private driveways shall be indicated on the final map as "Private Driveway and Fire lane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested and accepted prior to construction.
59. This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance.
60. Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
61. Provide water mains, fire hydrants and fire flows as required by the County of Los Angeles Fire Department, for all land shown on map which shall be recorded.
62. The required fire flow for public fire hydrants at this location is 5000 gallons per minute at 20 psi for a duration of 5 hours, over and above maximum daily domestic demand. 3 hydrants flowing simultaneously may be used to achieve the required fire flow.
63. Seven (7) fire hydrants must be installed, in accordance with the approved plans.
64. All hydrants shall measure 6"x4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25 feet from a structure or protected by a two (2) hour rated firewall.
65. All required fire hydrants shall be installed, tested and accepted or bonded prior to Final Map approval. Vehicular access must be provided and maintained serviceable throughout construction.
66. Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.
67. Fire sprinklers may be required.

68. The proposed gate used for ingress and egress shall be a minimum of 28 feet in width, clear to sky to within 150 feet of all exterior portions of each proposed building. The centerline of the driveway shall be located parallel to and within 30 feet of the exterior wall on at least one side of each proposed building.
69. Provide a 32-foot centerline turnaround for each turn.
70. Provide a 32-foot centerline turnaround for the traffic circle.
71. Provide a Knox Box for each side of the emergency access gates.
72. If center island is going to be at the entry/exit driveway, a minimum driveway width is required to 20 feet on both sides of the island, to be posted "No Parking-Fire Lane"
73. The Building Plans are required to be submitted to the Fire Department's Calabasas Fire Prevention Office.

Section 6. All documents described in Section 1 of this resolution are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2007-1097 PASSED, APPROVED AND ADOPTED this 1st day of August, 2007.

James Bozajian, Mayor

ATTEST:

Gwen Peirce, Assistant City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

