P.C. RESOLUTION NO. 2018-664

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS APPROVING FILE NO. 170001064, A REQUEST FOR A SITE PLAN REVIEW, SCENIC CORRIDOR PERMIT, OAK TREE PERMIT AND ZONING CLEARANCE TO CONVERT AN EXISTING ONE-STORY BUILDING (FORMERLY USED AS A RESTAURANT) INTO A CHILD DAY CARE CENTER, THE SUBJECT SITE IS LOCATED AT 4895 LAS VIRGENES ROAD WITHIN THE COMMERCIAL RETAIL (CR) ZONING DISTRICT, SCENIC CORRIDOR (SC) OVERLAY ZONE AND LAS VIRGENES GATEWAY MASTER PLAN.

Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department.

2. Staff presentation at the public hearing held on February 1, 2018 and May 17, 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:


2. The application was reviewed by the City's Development Review Committee (DRC) on October 17, 2017. Comments from the DRC meeting were provided to the applicant.
3. On October 18, 2017, the application was deemed incomplete and the applicant was notified.

4. The application was reviewed by the City’s Architectural Review Panel (ARP) on October 27, 2017. The ARP recommended approval of the design to the Planning Commission.

5. On December 29, 2017, the application was deemed complete and the applicant was duly notified.

6. Notice of the February 1, 2018, Planning Commission public hearing was posted at least ten (10) days prior to the hearing at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson’s Market, Agoura Hills / Calabasas Community Center and at Calabasas City Hall.

7. Notice of the February 1, 2018, Planning Commission public hearing was mailed or delivered to owners of properties within 500 feet of the subject property, as shown on the latest equalized assessment roll, at least ten (10) days prior to the hearing.

8. Notice of the February 1, 2018, Planning Commission public hearing was mailed or delivered to the project applicant at least ten (10) days prior to the hearing.

9. On February 1, 2018, the Planning Commission opened the public hearing and continued the item to a date uncertain.

10. Notice of the May 17, 2018, Planning Commission public hearing was posted at least ten (10) days prior to the hearing at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson’s Market, Agoura Hills / Calabasas Community Center and at Calabasas City Hall.

11. Notice of the May 17, 2018, Planning Commission public hearing was mailed or delivered to owners of properties within 500 feet of the subject property, as shown on the latest equalized assessment roll, at least ten (10) days prior to the hearing.

12. Notice of the May 17, 2018, Planning Commission public hearing was mailed or delivered to the project applicant at least ten (10) days prior to the hearing.


14. The subject site zoned Commercial Retail - Scenic Corridor (CR-SC).
15. The land use designation for the subject site under the City's adopted General Plan is Business Retail (B-R).

16. Properties surrounding the project site are zoned CR (north and south) and PF (east); and the Ventura Freeway (U.S. 101) is to the west. Properties surrounding the project site have General Plan land use designations of BR (north and south) and PF-I (east).

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

FINDINGS

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

1. The proposed project complies with all applicable provisions of this Development Code;

The applicant is proposing to upgrade the exterior façade of the existing one-story building, reconfigure the interior to accommodate a child day care center and preschool and reconfigure the site to provide adequate parking, drop off and outdoor space for a child day care center preschool use. The subject site is located at 4895 Las Virgenes Road, within the Commercial Retail (CR) zoning district and Scenic Corridor overlay zone. The proposed child day care center and preschool is a permitted use in the CR zone. Furthermore, the proposed child day care center and preschool complies with Section 17.12.070 of the CMC because it will not result in an overconcentration of preschools abutting a residentially zoned lot, and will accommodate drop off and pick up with more than 400 feet of distance between Las Virgenes Road and the drop off area. All new structures will meet the required setbacks for the CR zone, and new landscaping will bring the property into conformance with pervious surface and parking lot shading requirements. As a result, 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 Calabasas General Plan Land Use Designation for this property is Business Retail (B-R) and the proposed child day care center and preschool use is consistent with the general plan land use designation. Furthermore, as demonstrated by the Health Risk Assessment and Noise Study submitted by the applicant (and peer reviewed by the City’s environmental consultant), the proposed project is
in compliance with the goals and policies of the Conservation Element and Noise Element of the General Plan. Additionally, the Architectural Review Panel found that the proposed site improvements and building enhancements are consistent with the City’s Scenic Corridor Development Guidelines and the design guidelines of the Las Virgenes Gateway Master Plan.

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

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project involves interior alterations of the existing building. The project is also exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) because the proposed project involves the construction of small appurtenant accessory structures. Furthermore, there are no unusual features of the project or unusual circumstances that distinguish this project from others in the exempt classes. Given these circumstances, 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 surrounding area is fully developed with auto repair uses to the north, a telecommunication switching facility to the east and the Ventura Freeway north bound onramp to the south and west. There are one and two-story structures on the adjacent properties that screen the site from Las Virgenes Road. The existing building and site were developed in 1977 and have not been significantly upgraded since then. As a result, the façade of the existing building is not consistent with the surrounding development, which have been developed within the last 20 years using the design guidelines of the Las Virgenes Gateway Master Plan. Furthermore, the existing parking lot has little landscaping and is not consistent with the landscape requirements of Section 17.26 of the CMC and surrounding properties. The proposed site improvements would add new landscaping in compliance with Section 17.26 of the CMC and will enhance the site to be compatible with the surrounding area. Furthermore, the Architectural Review Panel reviewed the project and recommends approval because the proposed building upgrades and new landscaping will substantially enhance the site consistent with the Las Virgenes Gateway Master Plan Guidelines. As a result, the proposed project meets this finding.

5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and
Municipal Code development standards for setbacks, floor area ratio and lot coverage for the CR zone ensure that development is adequately proportional to the size of the property. Compliance with these standards is required for project approval. Because the existing building and proposed improvements will cover less than 18 percent of the site (the CMC allows up to 78% of site coverage), the subject property contains ample area to accommodate the building footprint of the proposed development. Furthermore, the proposed project would add new landscaping and bring the pervious surface of the site up to 30%, which exceeds the minimum of 22% required by Section 17.26 of the CMC. All new walls and fences would meet the maximum height requirement of 6 feet. Also, pervious surface area and landscaped area will be increased over the amounts which exist today. As a result, the proposed project meets this finding.

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

The subject site is located in a suburban portion of Calabasas characterized by commercial uses surrounding the site. As a result, the surrounding area is mostly built out with one-story to two-story buildings and parking lots with very little undisturbed natural areas remaining in the immediate vicinity. The site is already developed with a one-story building, asphalt parking lot and landscaping. The proposed project would enhance the character of the existing site by upgrading the building with colors and materials and new landscaping consistent with the City’s Scenic Corridor Development Guidelines. Given these circumstances, the proposed project meets this finding.

Section 17.62.050 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 proposed project is located within the Ventura Freeway and Las Virgenes Road Scenic Corridors. The development design guidelines are intended to preserve views from the Scenic Corridor and these measures include avoiding large straight, blank facades, and utilizing colors and medium-dark roofs that blend with the natural environment. These measures have been incorporated into the proposed project by updating the building’s exterior with earth tone colors, breaking up the east elevation (most visible from the onramp) with a new entry feature, and the installation of new landscaping. Furthermore, the Architectural Review Panel reviewed the project for conformance with the Scenic Corridor Guidelines. The Panel recommended approval of the design, and found that the proposed building
and site upgrades are substantial improvements over the existing conditions. 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 proposed project is located within the Ventura Freeway and Las Virgenes Road Scenic Corridors. The Scenic Corridor Development Design Guidelines are intended to preserve public views of the surrounding hillsides from the designated scenic corridors, while also promoting attractive urban forms on developed properties. Measures employed to accomplish these objectives include avoiding large straight, blank-facades, and utilizing colors and medium-dark roofs that blend with the natural environment. These measures have been incorporated into the proposed project by updating the building’s exterior with earth toned colors consistent with the colors of adjacent building and the surrounding environment. The applicant is proposing to enhance the site with new landscaping consistent with the CMC. As a result, the ARP recommends approval of the design because the proposed upgrades to the building and new landscaping will substantially improve the site. 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; and

The subject site is developed with a one-story building (formerly used as a restaurant), surface level parking and landscaping. The proposed project would update the building and existing site to accommodate a child day care center and preschool. Modifications include interior and exterior improvements in order to convert the existing building from a restaurant floorplan into a child day care center and preschool floorplan. Exterior modifications to the building include new colors and materials, and relocating the main entrance from the west elevation to the east elevation. The existing east elevation is a large blank façade, contrary to the Scenic Corridor Development Guidelines. Relocating the main entrance breaks up the façade of the east elevation with a trellis and new covered entry. Additionally, new landscape around the building and project site will enhance and beautify the site, thereby beautifying the Scenic Corridor. Therefore, the proposed project meets this finding.

4. The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses, development, signs, structures, and landscaping of the surrounding area.
The surrounding area is fully developed with auto repair uses to the north, a telecommunication switching facility to the east and the Ventura Freeway north bound onramp to the south and west. There are one and two-story structures on the adjacent properties that screen the site from Las Virgenes Road. The existing building and site were developed in 1977 and have not been significantly upgraded since. As a result, the façade of the existing building is not consistent with the surrounding development, which have been developed within the last 20 years using the design guidelines of the Las Virgenes Gateway Master Plan. Furthermore, the existing parking lot has little landscaping and is not consistent with the landscape requirements of Section 17.26 of the CMC, and surrounding properties. The proposed site improvements would add new landscaping in compliance with Section 17.26 of the CMC and will enhance the site to be compatible with the surrounding area. Furthermore, the Architectural Review Panel reviewed the project and recommends approval because the proposed building upgrades and new landscaping will substantially enhance the site consistent with the Master Plan guidelines. As a result, 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 finding 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 oak tree report states that there are 2 oak trees (both off-site) within the general vicinity of the project site. While both oak trees are located off-site, adjacent to the southern property line, the demolition of the existing asphalt and landscape planters would result in the temporary encroachment into the protected zones of the oak trees. However, the encroachment occurs only during demolition, no new improvements would be installed within the protected zones and neither oak tree would be pruned. The Oak Tree Report indicates that encroachment activities would not result in significant long-term adverse impacts to the oak trees. This conclusion has been confirmed by the City’s Arborist. To further ensure that adverse impacts to the trees are minimized, the Oak Tree Report recommends a series of mitigation measures, which have been included as project conditions of approval in the resolution. Given these circumstances, 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 recommends to the City Council approval of File No. 170001064 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. 170001064 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 170001064 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Montessori of Calabasas (applicant) and Hameramir LLC and Planet Estate Realty LLC (owners) 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. 170001064 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 170001064 and the issuance of any permit or entitlement in connection therewith Montessori of Calabasas (applicant) and Hameramir LLC and Planet Estate Realty LLC (owners) 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

1. The proposed project shall be built in compliance with the stamped “Approved” plans on file with the Planning Division. 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.
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 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.

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 expire if not exercised (as defined by section 17.64.050 of the CMC) within one year and eleven days from the date of adoption of this resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.

6. 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.

7. All landscaping is to be installed prior to the issuance of a Final Certificate of Occupancy, to the satisfaction of the Director of Community Development or his/her designee.

8. All ground- and roof-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.

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. A final photometric plan shall be submitted to and approved by Planning staff prior to issuance of building permits. The applicant shall use methods to minimize the amount of light and
glare that spills over into neighboring properties, such as limiting directional lighting intensity, limiting fixture height, use of cut-off type fixtures/glare shields and using ground level lighting wherever possible

10. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors palette.

11. Per Section 8.34.050(A) and (C) of the Municipal Code, upon no later than seventy-two (72) hours of notice from the City Community Development Department, the property owner shall remove or otherwise abate from the site any graffiti.

12. 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.

13. The project must comply with the building standards in effect at the time of submittal to Building & Safety Division for plan review.

14. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 64 of the Los Angeles County Building Code, Vol. 1, must be incorporated into all plans.

15. The applicant must complete and submit the “Development Construction Storm Water Requirements Review Checklist” and associated Storm Water Pollution Prevention plan (SWPPP)/Wet Weather Erosion Control Plan (WWCEP) documents for approval prior to issuance of grading or building permits.

16. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.

17. Construction Activities - Hours of construction activity shall be limited to:

   i. 7:00 a.m. to 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.

18. The Applicant shall install and maintain an air filtration system to mitigate particulate infiltration that meets or exceeds the Minimum Efficiency Reporting Value (MERV) of 14, in accordance with ASHRAE 52.2. Such infiltration system shall be integrated into the proposed heating, ventilation and air conditioning (HVAC) system designed for the facility, in conjunction with required ventilation rates and exterior air supply mechanisms. Freely communicating openings to the exterior such as openable windows shall be avoided, and methods of unusually tight construction shall be utilized to minimize the infiltration of exterior air into the facility.

19. The required air filtration and HVAC assembly shall be designed by a Mechanical Engineer licensed in the State of California. Mechanical system testing and verification of air filtration rates shall be completed and a report issued by the Mechanical Engineer of record to the Planning and Building Divisions of the Community Development Department for review and approval prior to the issuance of a Certificate of Occupancy.

20. The applicant and/or property owner shall ensure that the building is completely sealed for Title 24 compliance, including but not limited to replacement of all single pane windows with dual pane windows.

21. In accordance with the indoor/outdoor schedule used in the March 14, 2018 HRA addendum, total outdoor hours shall be limited to a maximum of 3 hours for infants and early toddlers, and 4 hours for early preschool and preschool children. The maximum hours include AM activities, and time waiting outside for drop-off and pick-up.

22. Any re-roof of the existing building, excluding the non-visible flat portion, shall utilize Spanish tile to match the entry canopy and trash enclosure.

23. New signage shall be subject to a sign permit or sign program, which shall be submitted under a separate application in accordance with Section 17.20 CMC. All signage shall comply with the requirements of Section 17.30 of the CMC.

24. The existing pole sign shall be removed prior to the issuance of a building permit.

25. Bicycle and support facilities shall be provided in accordance with Section 17.28.090 of the CMC. A final bicycle layout plan shall be submitted and approved by the Planning Division prior to the issuance of building permits.

26. The final grading plan shall include parking lot layout, aisle width and stall dimensions designed in compliance with Section 17.28 of the CMC.
27. The applicant shall submit to the Director valid copies of all required State licenses to operate a child day care center and preschool at the subject location prior to the issuance of a Final Certificate of Occupancy.

28. The approved child day care center and preschool shall not provide k-12 education.

**OAK TREES**

29. The applicant is permitted to encroach within the protected zone of two oak trees as shown on the approved plans on file with the Planning Division.

30. All work performed within the Oak Trees’ aerial/root protected zones shall be regularly observed by the applicant’s oak tree consultant.

31. Prior to the issuance of a demolition or grading permit, the applicant shall submit a copy of the Oak Tree Fencing Plan to the Community Development Director for review and approval. Fencing shall be installed prior to the commencement of any work. 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.

32. 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.

33. The area within the plastic construction/snow type fence should not be used at any time for material or equipment storage and parking.

34. Any approved pruning shall be done by a qualified tree trimmer, and observed by the Oak Tree Preservation Consultant. Pruning shall be performed in compliance with the latest ANSI pruning standards.

35. 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.

36. Minor deadwood may be removed from the trees per the direction of the Oak Tree Preservation Consultant.

37. The applicant and property owner shall adhere to the specific recommendations contained within the Oak Tree Report dated November 20, 2017, and all
provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

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

Public Works Department/Engineering

GRADING AND GEOTECHNICAL

39. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The Grading 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, limits of removals, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reflect all proposed drainage facilities, including storm 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.

40. The applicant shall submit a geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address any and all geotechnical hazards, including seismic, which may be present and could adversely affect the proposed development. 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.

41. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.

42. 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.

43. 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.
44. 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.

45. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; and conveyed through an on-site storm drain system to an approved point of disposal. 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.

46. The applicant shall submit a copy of Caltrans encroachment permit for alteration, if any, to the Caltrans facility into which this project drains.

47. 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).

48. 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.

49. 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.

50. All excavation, grading, 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.

51. 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.

52. 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.

**Public Works Department/Traffic & Transportation**

53. The applicant shall provide designs and details of existing and proposed sidewalk, parking lot and driveway transitions compliant with the Americans with Disabilities Act (ADA) as well as disabled access provisions as contained in the latest edition of the California Building Code (CBC), as amended by the County of Los Angeles and the City of Calabasas. Any existing improvements (sidewalk, driveway(s), clearances around above-ground utility poles, utility boxes, etc.) shall be reviewed and upgraded as necessary to comply with disabled accessibility standards.

54. Handicapped parking space locations, signage, and striping shall conform to ADA regulations.

55. Internal circulation shall provide for adequate truck turning radii and required driveway/travel lane width to the satisfaction of the Los Angeles County Fire Department and the City Engineer.

56. The Project will consist of ingress/egress from Las Virgenes Road and the secondary private driveway through the property bordering the site on the north. The driveway on Las Virgenes Road shall be right in and right out/no left turn only, and signage to this effect shall be maintained at the driveway approach toward Las Virgenes Road. The access easement through the adjacent lots shall be retained in place and the private driveway access shall remain open at all times.

57. Prior to the issuance of a Grading Permit, applicant shall provide plans detailing proposed striping, modifications, geometric layout, and improvements required at the proposed parking lot and primary and secondary project ingress/egress for review and approval by the City Engineer.

58. Prior to the issuance of a Building Permit, applicant shall provide signage, striping, and markings detailing the proposed internal circulation traffic controls (i.e. location of internal stop signs, red curbing, parking restriction signage, pavement striping and legends, etc.) for review and approval by the City
Engineer. Control signs for regulation, warning and guidance of traffic shall be installed prior to issuance of a Certificate of Occupancy.

59. Construction activity, construction parking and traffic control shall be staged such that vehicular and pedestrian access to adjacent properties is maintained at all times.

60. The project is located within the Lost Hills/Las Virgenes Road Bridge and Thoroughfare Construction Fee (B&T Fee) District. Project will be required to pay $2.10 per a square foot of the institutional land use. As proposed, the B&T fee @ 6,192 SF is $13,003.20. Payment of B&T District Fees to City will be required prior to issuance of a Certificate of Occupancy.

**Public Works Department/Environmental Services Division**

61. 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 storm drains and 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 ordinances and State laws. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapters 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.

62. 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.

63. 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.” The following companies and the only trash haulers authorized to operate in the City of Calabasas: American Reclamation (888-999-9330), America's Bin (888-500-9007), Consolidated Disposal (800-299-4898), Interior Removal Specialists (323-357-6900), Recology (800-633-9933), Universal Waste Systems (800-631-7016), Waste Management (800-675-1171).

64. An Encroachment Permit from the City Public Works Department is required prior to placing a refuse bin/container on any public street.

**Section 5. All documents described in Section 1 of PC Resolution No. 2018-664 are deemed incorporated by reference as set forth at length.**
PLANNING COMMISSION RESOLUTION NO. 2018-664 PASSED, APPROVED AND ADOPTED this 17th day of May, 2018.

___________________________
Dennis Washburn, Chairperson

ATTEST:

___________________________
Maureen Tamuri, AIA, AICP
Community Development Director

APPROVED AS TO FORM:

___________________________
Matt Summers, Assistant City Attorney
Colantuono, Highsmith & Whatley

Planning Commission Resolution No. 2018-664, was adopted by the Planning Commission at a regular meeting held May 17, 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.”