



MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Santa Monica Mountains
MEETING OF 23 February 2009
(Minutes approved on May 18, 2009)

PERSONS IN ATTENDANCE:

ERB MEMBERS

Rosi Dagit
Dr. Noël Davis
Ron Durbin (Deputy Forester)
Suzanne Goode
Dr. Margot Griswold
Richard Ibarra (absent)
Dr. Travis Longcore
David Magney (absent)

REGIONAL PLANNING STAFF

Dr. Shirley Imsand (Biologist, ERB coordinator)
Dr. Bhaskara "Reddy" Munagala (Biologist)

Project No. R2008-02445, RPPT 2008-01674

3600 Kanan-Dume Road., Malibu, CA, APN 4465-004-045

Radoslav Sutnar	(323) 467-2556
Steve Nelson	(909) 396-8478
Dr. Daryl Koutnik	(626) 564-1500
Martin Zünkeler	(310) 822-5500

AGENDA ITEMS & PAGINATION:

1. Minutes of 15 December 2008 approval, p.2
2. Recommendations on Oak Tree Consultant list, p.2
3. Proposal for exploratory road on RPPT 2008-00190, Tuna Cyn Rd.,
Dix Canyon ESHA, p. 3
4. Comment on Zoning Ordinance Revision review, p.3

NEW BUSINESS:

5. Project No. R2008-02445, RPPT 2008-01674
3600 Kanan-Dume Road., Malibu, CA, APN 4465-004-045, pp. 4-8

OTHER MATTERS

6. Public comment pursuant to Section 54954.3 of the Government Code.

NOTE: ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH IS USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN BIOTA REVISIONS MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.

ERB MINUTES
23 February 2008

1. Minutes of 15 December 2008 were approved as amended following a motion by Suzanne Goode and a second by Noël Davis.
2. The process for addition to the Oak Tree Consultants list was presented. ERB approved the process and recommended the following:
 - (a) Specific individuals should be named as a representative for a company. The individual is the person who will be certified as producing satisfactory reports, not the company.
 - (b) The ERB will continue to hear oak tree reports from individuals not on the list. They know individuals who may prepare satisfactory reports who are not professional arborists. This would be a savings for the applicant. If an unlisted applicant should present a report judged "inadequate," then the revision should be done by someone on the list.

- (c) The ERB reserves the right to judge any report satisfactory or unsatisfactory, which will not be dependent on whether the preparer is on or off the list.
3. The exploratory road on RPPT 2008-00190, APN 4448-018-018, Tuna Cyn Rd., Dix Canyon ESHA, was judged potentially significant to biological resources after a brief review of the 8.5" X 11" version of the plan. Applicant shall prepare a full-scale presentation of plan for ERB or redesign the road to be within the 300 ft. limit. The road is approximately 3000' according to drawing scale, which exceeds the maximum 300' allowed by the (Malibu) Local Coastal Plan (Policy 88). The ERB states that finding percolation within the sandstone outcrops of the property is unlikely, based on their previous experience, and that even a temporary road will leave a long-standing scar. An alternative for the long road would be to fly equipment by helicopter to the test location.
 4. The ERB states that they would like to review and comment on the upcoming revision of the County Zoning Ordinance for Oak Tree Permits. They feel that their review and suggestions would enhance passage of the Oak Tree Permit Ordinance.

NEW BUSINESS

5. Case No. Project No. R2008-02445, Plot Plan No. RPPT 2008-01674

Location: 3600 Kanan-Dume Road (on Dume Canyon Motorway), Malibu
APN 4465-004-045

Applicant: Radoslav Sutnar representing applicant

Project: A proposal for a single family residence of 9906 sq.ft., including 636 sq.ft. 3-car garage; swimming pool; detached guest house with upper story of 593 sq.ft. and lower level 743 sq.ft. 3-car garage; giving total 11,242 sq.ft. Proposed grading is for a 65 ft.-long motorcourt: 300 cu.yd. cut and 100 cu.yd. fill. The parcel is about 56 acres in size.

(The Oak Tree Permit No. 03-373 was approved in Sept. 2003 with project approval for a single-family residence on the adjacent parcel APN 4465-004-084. The access road includes the oaks on parcel 4465-004-045 and the oaks on parcel 4465-004-084. The approved oak tree permit is not part of the current application and will NOT be reviewed at this meeting.)

Resources: The proposed single-family house will be in a natural area of the **Ramirez Canyon watershed**. The **Ramirez Canyon riparian zone** is a designated Environmentally Sensitive Habitat Area (**ESHA**) in the (Malibu) Local Coastal Plan. The project is located within the Sensitive Environmental Resource Area (**SERA**) category of the **Eastern Wildlife Movement Corridor**. The ridgeline on the subject parcel is likely an active wildlife corridor. The parcel is bordered on the north and on the south by parcels owned by **California Mountains Recreation and Conservation Authority**.

Request: **Review plans for proposed house on the ridgeline within the designated wildlife movement corridor. The Ramirez Canyon ESHA extends into the side drainages both north and south of the subject property. The ERB recommendations will be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).**

Notes on Applicant's Presentation:

The applicant presented the current plans for the new residence stating that the planned location on the flat part of the ridgeline is the best possible one for the parcel for multiple reasons including clustering, minimized grading, no impact to oaks, and distance from ESHAs over several hundred feet. The proposed access was approved with the oak tree permit on the abutting western parcel. The adjacent parcel, for which the oak tree permit and access road were approved, is under separate ownership and is a separate project.

The applicant's representative presented the biological analysis of the wildlife corridor issue. Based on scat collection in 2005, more scats were collected on Dume Canyon Motorway than on the parcels' driveway area on the ridgeline, suggesting that the Motorway was the more extensively traveled

wildlife path. Dume Canyon Motorway was unpaved at that time, but is now paved. The biologists state that the 45% slope descending to Ramirez Canyon on the west side of the abutting parcel would be a deterrent to wildlife use compared to the more gradual slope of the Dume Canyon Motorway.

Coordinator’s notes based on applicant’s comments after the meeting:

- Single family residences are in a CEQA Class 3 categorical exemption [CA PRC §15303(a)]. If a Class 3 categorical exemption is in a special location, such as a SERA, it is not exempt from CEQA review [§15300.2(a)].
- The project’s location is in a SERA, designated as the Eastern Wildlife Movement Corridor. The project site is on a ridgeline in the hydrologically-defined watershed of Ramirez Canyon. The riparian area of Ramirez Canyon is an ESHA. The project and the extent of its fuel modification are several 100 ft. away from the ESHA. The project parcel includes parts of the Significant Ridgeline topped by Ramera Motorway that divides Latigo and Ramirez Canyons.
- The previous ERB meeting for the adjacent property APN 4465-004-084 was in September 2003. The previously approved Oak Tree Permit 03-373 was granted in August 2007.
- The total grading for the project will be 2400 cu.yd. cut, 300 cu.yd. fill, and 2100 cu.yd. export. Data in the project description are for the motorcourt and drive from the access road to the proposed residence.
- The biologists also found numerous tracks along the motorway in 2005. The motorway is currently widely paved and with vegetated shoulders is not conducive to track retention. A Puma (Mountain Lion) scat was found by County biologist on the access road during visits to the project site in 2009, indicating presence of a “keystone” predator, influential in community structuring. There are still scats of other mammals along the motorway, but now scats of other mammals such as coyote and foxes are more numerous along the unpaved access road. In April 2009 there were numerous tracks in the parts of the access road that have mud.
- The importance of the motorway for wildlife movement may have diminished relative to the access road. Both the motorway and the access road have areas for free movement, but the access road has the oaks and other shrubs which may provide better protective cover for wildlife movement. Further, the access road is unpaved, a preferred substrate. The access road is not currently subject to vehicle traffic, so it is a safer area for the wildlife.

ERB Meeting Date: February 23, 2009

**ERB Evaluation: Consistent Consistent after Modifications
 X Inconsistent No decision**

ERB COMMENTS:

- **The project seems tied to the previously approved biological report, oak tree permit, and access road for the adjacent parcel identified by APN 4465-004-084, as though the two together are a *de facto* sub-development and should have a Conditional Use Permit (CUP). The adjacent residence and road have not been built and there is potential that the permit could expire without any change to the adjacent project property. The ERB is reluctant to approve the current residence plan and thinks that this project should be able to stand alone without reference to the western project. This project was not considered in approving the previous permit, neither for the long access impacts nor for the oak tree impacts. There may be a better location for the residence that would not require a driveway that exceeds the 300-ft. limit [Policy 88, of the (Malibu) Local Coastal Plan (LCP)], a location that would not require oak removal, and a location that avoids the ridgeline and wildlife corridor.**

Coordinator’s note: The western parcel is mislabeled on some plans. The APN should read 4465-004-084.

- **The access road appears to be about 1000 ft., which exceeds the limit of the LCP Policy 88. If the adjacent residence is never built, such a long access road might be an impact that could be avoided with shorter access. Shorter access will have fewer biological impacts.**

Coordinator's note: The driveway/road from Dume Motorway to the planned project residence is approximately 470 ft. and the driveway beyond to the adjacent parcel is an additional 700 ft. The road is chiefly on the subject property, and is so depicted on the plans for Oak Tree Permit 03-373. The access road was "existing" (driveable by sedan) at time of approval by DRP, and not subject to LCP Policy 88, which limits new roads to 300 ft. The access road is currently "not existing." It is trenched at both possible entry points, possibly as a measure against trash dumping.

- **The ERB states that the practice of construction of a house and long access road or driveway on an adjacent parcel that is later infilled uses single family home exemptions to avoid CUP requirements and higher levels of environmental review for projects that are *de facto* subdivision or tract projects.**

ERB RECOMMENDATIONS:

- **The current project needs to be evaluated on its own merits (independent of permits held by another party). The ERB indicates they believe the current plan is inconsistent with resource protection of the wildlife corridor and the oaks, has a proposed road/driveway that exceeds the 300-ft. limit (LCP policy 88), and does not have an oak tree report that specifically addresses potential impacts of the current project. An alternative plan should be prepared that addresses these issues.**
- **The Oak Tree Report for the previous project on the abutting parcel to the west, APN 4465-004-084, needs to be updated with a supplement that includes the impacts for the Single Family Residence on the subject's site, APN 4464-004-045. The Supplement Report shall pertain to the present development (buildings and access), show all oaks within 200 ft. of residence and access road, and describe impacts from this development and mitigation for any impacts.**
- **A smaller project footprint would reduce impacts at all levels, fit the surroundings better, and be less of an impact on the wildlife corridor function of the ridgeline.**
- **A drainage plan is needed showing 100% capture of a 3/4-in. storm, collecting both irrigation and rainfall runoff from roofs, driveways, and other hardscaped areas. For drainage and runoff control, ERB recommends using cistern(s) to capture and store for irrigation and fire-fighting purposes. Consult www.oasisdesign.net for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and/or driveways. A cistern below a driveway may require a permeable surface.**
- **Fuel modification plans should be adjusted to the current accepted standard (described below), and should be lapped with the fuel modification of the adjacent house if close enough for this. A plant palette is needed for fuel modification as well as for landscape design.**

Zones A & B need to be defensible staging areas for fire fighting. The fuel modification plan should follow the standard regulations:

Zone A: 20 ft. wide; irrigated; non-invasive ground covers

Zone B: 30 ft. wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees

Zone C: Beyond Zones A & B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

In preparing Zone C for fuel modification:

- 1. Retain as many non-sprouting species as possible. (They usually have a single trunk.) Do not cut off the trunk in pruning, as this kills the plant.**
- 2. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked remaining shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2-3 years between prunings for any one clump. Resprouting species can be pruned to near ground level.**

For guidance, refer to

1) the CNPS (California Native Plant Society) website (especially good for botanic gardens where native plants can be seen and for nurseries that carry native plant stock):

<http://www.cnps.org/>

and (2) the Los Angeles County Fire List:

<http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp>

- The ERB states that minutes for review of the western adjacent parcel (APN 4465-004-084, ERB minutes, 15 September 2003) apply to this plan also. Minutes are available at the following URL: <http://planning.lacounty.gov/agenda/erb/>**

Staff Recommendation: Consistent Consistent after Modifications
 Inconsistent No decision

- **Comply with all ERB recommendations.**
- **Access road should remain unpaved except where absolutely necessary for fire safety. Pavement is a deterrent to wildlife use.**
- **There shall be an alternative plan for pad and house placement that is more consistent with the (Malibu) Local Coastal Plan (LCP) in having (1) an access that is 300 ft. or less from existing paved roads (2) considers the ridgeline as a wildlife corridor resource that should be preserved. Wildlife corridor desirable minimum width is 1000 ft. of natural area. The wildlife corridor function of the ridgeline may have strengthened relative to the Motorway with widened paving of the Dume Canyon Motorway and current vehicle use of the Motorway. Paving is a deterrent to many wildlife species. Vehicle traffic is a safety issue for wildlife.**
- **Perhaps the south-eastern knoll, now covered in chaparral, might be an alternative site that will have access less than 300 feet on the subject parcel. The advantages of this site that comply with the LCP: (1) It is currently covered by chaparral, which means it is probably not as much used by wildlife for movement between habitat areas. (2) It can probably have an access less than the approximate 500 ft. needed for the current site. (3) It will be less visible from Kanan-Dume Road, a designated Scenic Highway of the LCP. (4) It is somewhat clustered with the house on adjacent property to the southeast.**
- **If the western project APN 4465-004-084 does not have an improved access when construction of this project for APN 4465-004-045 is begun, then the alternative plan with a 300' driveway shall be used for this project, APN 4465-004-045.**
- **Lowering project height to 27 ft. would be consistent with the mitigation required for the adjacent residence project on 4465-004-084. This would lessen the impact to visual resources of the designated Scenic Highway of Kanan-Dume Road.**
- **Grading plans are needed that show existing and proposed grade/topography and any impacted oak trees. Height of all retaining walls shall be indicated in cross sections on plans; grading plans should demonstrate drainage as well.**
- **Work installing drainage features into the natural areas with oak trees of the parcel shall be avoided as much as possible and shall only be done by hand.**
- **There should be oak tree mitigation for any impacts, and there should be oak woodland mitigation if woodland trees of three-inch diameter at breast height (DBH) or greater are involved in impacts. Oak tree replacement shall be incorporated into landscape**

plans. Estimation of impact must consider the need for grading and construction equipment to be very close or within the protected zone of the oak trees, and must consider carbon sequestration removal. Oak woodland mitigation shall consider land value of the total parcel, tree value, and mitigation monitoring value for both the impact and compensating mitigation. Valuation of tree planting may count towards half of the mitigation for oak woodland disturbance.

- Landscape design shall be of all locally indigenous plants.
- All undeveloped parts of property shall have a conservation easement that passes in perpetuity with successive deeds in order to maintain the wildlife corridor function as much as possible. Additionally the easements shall maintain contiguity of natural areas with the Ramirez Canyon ESHA and the parcels owned by California Mountains Recreation and Conservation Authority that are north and south of the subject parcel.
- The proposed residence shall NOT incorporate perimeter fencing as part of the final design.
- Exterior night lighting shall be minimized using low intensity (lights not exceeding 800 lumens), low stature fixtures (2.5-3 ft.). Lights shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or motion detector.
- Septic system siting shall conform to all appropriate setbacks from oak trees and ESHAs
- **PRESSURIZED WASHING AGAINST SPREAD OF INVASIVE PLANTS:**

Because the project site has a number of plants considered invasive in Los Angeles County, grading and construction procedure should include pressurized washing of grading and construction vehicles. The purpose is to avoid adding more and pushing more invasives into the natural areas of Ramirez Canyon tributaries. Pressurized washing should be done for all vehicles (1) before coming to the site, (2) when moving between site areas with many invasives (most of the ridgeline) to more natural sites, (3) at the end of each day of grading in areas with invasive plants (4) before moving the vehicle to another site. Vehicle operators shall fill out a log book kept in a waterproof container at each washing or entry to site, that can be checked by biologist in charge of biological mitigation.

When vehicles come to the site from other areas, they must be pressure washed. For vehicles that can enter a standard car wash, choose a car wash with wheel well cleansing and undercarriage cleansing. When grading and other equipment that remains on-site is first brought to site, wash at corporation yard and again at entry of project site washing facility.

There must be constructed an on-site pressurized washing facility. Self-contained pressurized washing equipment can be purchased or rented. The standard washing pit (1) has heavy timbers at grade level, (2) underlain by a bed of 2-3" sized aggregate, (3) underlain by a felt-like geotech cloth. The soil of the pit is retained on-site for back-fill. The washed seeds and plant parts wash through the timbers and gravel onto the geotech cloth. At the end of construction, the pit is disassembled and back-filled, and the geotech cloth is carefully removed with all contents and taken to a disposal site and buried deeply so that the invasive plant parts and propagules will not spread to other areas.