



**COMMENTS & RECOMMENDATIONS OF THE ENVIRONMENTAL REVIEW BOARD (ERB)  
Unincorporated Coastal Zone, Santa Monica Mountains, Los Angeles County  
Meeting of 21 October 2013**

(Approved on 24 February 2014)

**Persons in Attendance**

**ERB Members**

Ron Durbin  
Suzanne Goode  
Margot Griswold, Ph.D.  
Richard Ibarra  
Andrew Nickerson

**Regional Planning Staff**

Shirley Imsand, PhD, Coordinator  
Gina Natoli, Planner

**Public**

Chris Deleau, Schmitz & Associates, Inc.  
Runyang Low

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**COMMENTS AND RECOMMENDATIONS**

**I. Old Business**

- A. Minutes of 22 July 2013 were approved as amended.  
Motion: Suzanne Goode, 2<sup>nd</sup> Ron Durbin, Ayes: Unanimous
- B. Minutes of 19 August 2013 were approved.  
Motion: Ron Durbin, 2<sup>nd</sup> Suzanne Goode, Ayes: Unanimous

**II. Discussion Items**

**C. Wireless Project Reviews**

1. **Duties of ERB and Content of Meetings:** ERB is tasked with review of projects in the Coastal Zone of the Santa Monica Mountains and providing recommendations to improve projects so that they are consistent with the (Malibu) Land Use Plan (LUP) policies and overall goals for the environment of the Coastal Zone. The ERB reviews projects that locate development within a Sensitive Environmental Resource Area (SERA) overlay on the Malibu LUP SERA map, and in addition ERB reviews projects that are within 200 ft. of Environmentally Sensitive Habitat Area (ESHA) boundaries. (An ESHA is a subcategory of SERA where development needs to be related to use of the resources in the ESHA.) ERB is not a California Environmental Quality Act (CEQA) review body, although many issues are coincident with CEQA concerns.
2. **Materials the ERB May Request:** The ERB may request materials related to their environmental review that applicants have or can reasonably provide, and ERB may comment and make recommendations related to any of the environmental goals of the LUP. ERB comments and recommendations do not need to be restricted to previous conditions of the wireless projects, even the renewal projects with no changes. ERB may request:
  - a. map of coverage of the project reviewed which will include parts of the provider network related to the coverage of the facility being reviewed, and DRP should consolidate the data to build a GIS layer of wireless facilities
  - b. description of the facility components, including dimensions, trench locations, etc.
  - c. description of the facility location, including geographic coordinates.

3. **ERB Recommendations:** ERB may recommend addition of conditions for environmental concerns that were lacking in the original project approval. Previous recommendations that were deemed appropriate:
- a. color coordination with the soil and other natural features of the environment
  - b. use of wattles to capture debris
  - c. need for an oak tree permit if maintenance involves cutting of branches or other encroachment into a jurisdictional oak's protected zone
  - d. pruning according to ISA standards
  - e. any condition that addresses other environmental concerns of the LUP

#### **D. Staff Reports and Other Documents**

##### **1. Format of minutes**

Minutes need to be approved at a public meeting. Actions and recommendations of ERB become effective immediately upon a vote for approval with simple majority of ERB voting in a quorum at a public meeting. A recommendation with final wording voted on at the meeting could be immediately used by the planner, and would not need to have approval in the minutes.

##### **2. Format of agenda**

Henceforward, the agenda will be a simple list of project description, project features, resource title, and actions sought, if any, by ERB.

##### **3. Materials to be posted on the webpage**

The usual documents provided by applicants according to the ERB checklist will be posted on the webpage under the meeting date. A staff report will be created by the coordinator and posted to the ERB webpage about 2 weeks before the meeting. The staff report will have a detailed project description and detailed resources description. The staff report will also have proposed wording for ERB recommendations as anticipated by the coordinator (typical recommendations). The coordinator will receive case notes (including any recommendations for posting from members) by email (one-to-one, member to coordinator). Discussion of ERB business among members is not permitted except at a meeting, so no all-member emails are to be made except for the purpose of arranging the meeting. The coordinator will organize the members' case notes by topic; and coordinator will publish them as case notes to the website one week before. The case notes compendium should help to progress in an organized way through recommendations. ERB boilerplate may be used. Public comment for publication on the website must be received the morning of the Thursday before the meeting (at least 3 days previous to the meeting).

##### **4. Meeting and use of materials for providing exact wording of recommendations and motions:**

The proposed recommendations in the staff report and organized case notes will be used at the next ERB meeting, amended as needed by ERB members, to formulate exact wording for ERB actions and motions. ERB members will also bring additional recommendations to the meeting. Public shall be allowed to comment (give testimony) after any applicant presentation and staff report and before ERB discussion; applicant may comment during ERB discussion; and public may comment before ERB action on a project (vote on consistency) in an orderly manner. The vote of members must be announced as to who voted and how, following the vote. The coordinator may restrict the time in minutes allotted to public discussion and testimony. Public may also comment on any issue of the projects discussed or Coastal Zone issues in the Santa Monica Mountains related to the LUP at the end of the meeting.

##### **5. Meeting minutes and summary documents**

A document "Recommendations" summarizing comments, recommendations, and motions will be prepared following the meeting and posted to applicants, planners, and webpage. "Minutes" will be a brief summary of meeting transactions, and will be approved at the following ERB meeting and posted to the ERB webpage. The vote of members must be detailed as to who voted and how.

##### **6. Follow-up**

ERB requested that coordinator provide them with a summary of final approval of projects they review with respect to what of ERB recommendations was incorporated and what was not.

Staff recommended this be done by means of the coordinator arranging with the case planner to receive final conditions and approved site plans after final review by DRP, Hearing Officer, and/or Regional Planning Commission.

Recommendation: Suzanne Goode, 2<sup>nd</sup> Margot Griswold, Ayes: unanimous

##### **7. Work Study sessions (Ad hoc advisory group)**

When the planner and/or ERB members need to study case items or issues with interchange of ideas from specialists, the interested parties may prearrange with the coordinator a short group working session before the regular meeting. This will be a meeting with fewer members than the ERB quorum present. The results of the study group will be presented at the following regular meeting.

## **E. (Malibu) Land Use Plan (LUP) Policies**

### **1. Policy 57 of the LUP: Biological review of resources**

Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6) and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game [now California Dept. of Fish & Wildlife] as being appropriate for ESHA designation.

**The coordinator usually does a site visit to projects before the meeting of review by ERB in order to write the description of resources and indicate possible impacts and possible motions of the ERB. Sometimes on these site visits, resources may be discovered that should qualify as ESHA, chiefly along drainages, that have not been mapped. The coordinator is to bring these resources to the attention of ERB, preferably in the webpage-posted materials, and indicate that they have no mapped designation. The ERB is to give recommendations for executing the project with the best possible care of the resource, even those without mapped designation. The ERB may recommend designation of the resource by mapping.**

### **2. Size of building pad in the Malibu-Cold Creek Resource Management Area**

Table 1 of the LUP does not provide for limits of the building pad size in square feet in the Malibu-Cold Creek Resource Management Area. The wording that limits building pad and clearing size in other areas is similar to the wording for the Malibu-Cold Creek Resource Management Area, except that it does not contain the specific limitation of a 10,000-square-foot building pad. Therefore, the assumption is that the LUP does not intend to limit pad size in the Malibu-Cold Creek Resource Management Area. Nevertheless, the ERB may recommend a limit to building pad size in the Malibu-Cold Creek Resource Management Area as an environmental protection measure. Staff indicated that the new LUP for the unincorporated Santa Monica Mountains will have a limit on building pad size of 10,000 sq.ft. in all SERAs. This excludes driveway, one Fire-required turn-around, fuel modification.

### **3. Policy 65 of the LUP**

The Environmental Review Board shall consider the individual and cumulative impact of each development proposal within a designated Significant Watershed. Any development within a significant watershed shall be located so as to minimize vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts. Therefore, development should be clustered and located near existing roads, on areas of relatively gentle slopes as far as possible outside riparian areas in canyons and outside ridgeline saddles between canyons which serve as primary wildlife corridors.

**The question arose at a previous ERB meeting as to whether this policy applies only to subdivisions, where clustering can be done, and does it not apply to single-lot development. ERB is tasked with review of projects in the Coastal Zone of the Santa Monica Mountains and providing recommendations to improve projects so that they best align with the (Malibu) Land Use Plan (LUP) policies and overall goals for the environment of the Coastal Zone. The ERB may make recommendations according to the overall goals of the LUP, even in cases where some measures in a policy may not apply to that particular project. In their recommendations, they may address which parts of the policy apply and which do not. The care of the resources should be the goal of recommendations, but recommendations need to consider what the project can do. Policy 65 may be used by ERB in making recommendations on single-family residences with respect to wildlife and visual resources, and with respect to clustering development close to other developed areas such as roads and other structures, and with respect to avoiding sensitive resources that the project will impact. The LUP recommends siting on gentle slopes and outside riparian areas, canyons, saddles, and wildlife corridors. The LUP describes “non-conforming lot” characteristics for lots that should be retired from development when possible: 1) smaller than 20 acres in designated Significant Watersheds; 2) smaller than 1 acre outside of Significant Watersheds; 3) in riparian areas; 4) distant from existing services and utilities. The ERB may comment on impact of single-family residences on resources emphasized for consideration in Policy 65 and other sections of the LUP. (LUP policy for development rights retirement program, p.63; LUP policy for mitigating cumulative impacts of existing non-conforming lots, p.64.)**

### **Public comment pursuant to Section 54954.3 of the Government Code:**

Mr. Deleau requested that it be noted that his company (a development company) objects to ERB using Policy 65 to comment or form recommendations for single-family residences. His company states that Policy 65 was intended to apply only to subdivisions.

### **4. LUP policy for Land Use Distribution in (3) Significant Watersheds:**

(3) Significant Watersheds: Where the development of small parcels is determined to yield a potential for significant impacts, the parcel would be eligible for participation in the **development rights retirement program**. A “small parcel” is indicated to be those less than 20 acres (p.63)

**The development rights retirement program has been used to retire nonconforming lots, those without public access, on unbuildable slopes, too small to develop, or with other properties that preclude legal development. There is some part of parcel tax paid to some joint power funds. For conservation purposes, the LUP suggests using a non-profit conservation group such as joint power funds; Proposition A funds in the Regional Park and**

**Open Space District; California Coastal Conservancy funds; California State Funds; National Park Service Funds; and an operational program yet to be developed.**

**5. LUP Policy for mitigating the cumulative impacts of potential build-out of existing non-conforming lots**

Properties which are of less than 20 acres in size in the significant watersheds—and distant from available utilities and access services—may adversely impact the designated resource management area if developed. Therefore, the program purposes of this mitigation strategy are two-fold: (1) to discourage small lot (less than one acre) development. . and (2) to discourage development of lots of less than 20 acres in designated significant watersheds which are distant from existing services and are determined by the ERB to potentially incur a significant adverse impact on the ESHAs or Significant Watersheds. In essence, these are “non-conforming parcels.” (p.64)

Many of the discussion items at the meeting relate to changes in procedure for ERB due to compliance with provisions in the Brown Act first enacted by State Legislature in 1953, Government Code §§54940 et seq., which guarantees the people’s right to participate in public meetings. The PowerPoint presentation given to SEATAC in August 2013 by the County Counsel who tracks Brown Act legislation is available on the SEATAC web page.

[http://planning.lacounty.gov/assets/upl/agenda/sea\\_brown-act-20130805.pdf](http://planning.lacounty.gov/assets/upl/agenda/sea_brown-act-20130805.pdf)

In addition one may watch the presentation and hear the entire audio discussion on the video:

[http://planning.lacounty.gov/view/significant\\_ecological\\_areas\\_technical\\_advisory\\_committee\\_meeting\\_2013-08-0/](http://planning.lacounty.gov/view/significant_ecological_areas_technical_advisory_committee_meeting_2013-08-0/)  
(starting at approximately minute 6/~60).

**OTHER MATTERS**

**F. Public comment pursuant to Section 54954.3 of the Government Code:**

Mr.Deleau asked if application for development permits allows County planning staff to visit the site without notification of the applicant.

**County staff on ERB panel answered that County staff does site visits as necessary to do review of projects and completion of necessary documents, and application does permit them to do this without notification.**