Regional Planning Commission
Transmittal Checklist

Project Number: 03-238-(5)
Case(s): Conditional Use Permit Case No. 201500127
          Variance No. 201500002
Planner: Thuy Hua

☑ Project Summary
☑ Property Location Map
☑ Staff Analysis
☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
☑ Draft Findings
☑ Draft Conditions + Other department letters of recommended conditions
☐ Previous CUP Conditions of Approval
☑ Burden of Proof Statement(s)
☐ Environmental Documentation (ND / MND / EIR)
☑ Correspondence
☑ Photographs
☑ Aerial Image
☑ Land Use/Zoning Map
☐ Tentative Tract / Parcel Map
☐ Site Plan / Floor Plans / Elevations
☐ Exhibit Map
☐ Landscaping Plans

Reviewed By: [Signature]
**PROJECT SUMMARY**

**OWNER / APPLICANT**
SG Witherspoon SPE LLC

**MAP/EXHIBIT DATE**
September 30, 2015

**PROJECT OVERVIEW**
A request for a Conditional Use Permit and Variance from the Castaic Area Community Standards District to retroactively authorize emergency offsite and onsite remedial grading – 154,000 cubic yards of cut, 110,000 cubic yards of fill, and balanced on Parcel Map No. 060030 – within a significant ridgeline and its associated slope to repair and reinforce a landslide area immediately south of Parcel Map No. 060030 (IAC Commerce Center, formerly known as Sterling Gateway Industrial Project).

**LOCATION**
Western terminus of Witherspoon Parkway between Del Valle Road and Avenue Penn in the unincorporated community of Val Verde

**ACCESS**
Witherspoon Parkway

**ASSESSORS PARCEL NUMBER(S)**
3271-005-032

**SITE AREA**
95 Acres

**GENERAL PLAN / LOCAL PLAN**
Santa Clarita Valley Area Plan

**ZONED DISTRICT**
Newhall

**LAND USE DESIGNATION**
IO (Industrial Office)
RL5 (Rural Land 5)

**ZONE**
MPD-DP (Manufacturing–Industrial Planned – Development Program)
A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area)

<table>
<thead>
<tr>
<th>PROPOSED UNITS</th>
<th>MAX DENSITY/UNITS</th>
<th>COMMUNITY STANDARDS DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>Castaic Area</td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL DETERMINATION (CEQA)**
15269(c) Statutory Exemption – Emergency Projects

**KEY ISSUES**
- Consistency with the Los Angeles County General Plan
- Consistency with the Santa Clarita Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.56.290 (Variance Burden of Proof Requirements)
  - 22.44.137 (Castaic Area Community Standards District)

**CASE PLANNER:**
Thuy Hua

**PHONE NUMBER:**
(213) 974 - 6443

**E-MAIL ADDRESS:**
thua@planning.lacounty.gov
PROJECT NO. 03-238-(5)          STAFF ANALYSIS
CONDITIONAL USE PERMIT NO. 201500127 PAGE 1 OF 16
VARIANCE NO. 201500002

ENTITLEMENTS REQUESTED

- Conditional Use Permit ("CUP") to ensure compliance with the MPD-DP (Manufacturing Planned Development – Development Program) and to retroactively authorize emergency remedial grading in excess of 100,000 cubic yards in the MPD-DP and A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) Zone pursuant to the Los Angeles County ("County") County Code ("County Code") Sections 22.40.030 and 22.24.150.
- Variance from the Castaic Area Community Standards District ("CSD") for grading of a significant ridgeline due to a slope failure in the A-2-2 Zone pursuant to County Code Section 22.44.137.D.6.

PROJECT BACKGROUND

On December 3, 2008 the Los Angeles County Regional Planning Commission ("Commission") approved Parcel Map No. 60030 ("PM 60030") for the creation of 31 industrial lots and five debris basin lots on 116.6 gross acres; Conditional Use Permit No. 03-238 to establish compliance with the requirements of the MPD-DP zone, onsite project grading exceeding 100,000 cubic yards, and to allow retaining walls five feet in height; and Oak Tree Permit ("OTP") No. 200700006 for the removal of four oak trees (non-heritage). An Initial Study had been prepared for PM 60030 and had identified less than significant effects with project mitigation for Noise, Air Quality, Biota, Drainage and Grading, Oil Field Maintenance, Toxic Substances Control, Recycling of Debris Material, Roads and Highways, and Emergency Services. Based on the Initial Study and project revisions, a Mitigated Negative Declaration ("MND") was issued for PM 60030. Mitigations to the project were necessary to ensure the project would not have a significant effect on the environment and those mitigations were included in the Mitigation Monitoring Program ("MMP"). The MND was adopted by the Commission concurrent with the approval of PM 60030, CUP 03-238, and OTP 200700006.

The MND for PM 60030 acknowledged grading would significantly alter the landform but indicated most of the major ridgelines should remain intact. However in May 2015, a backcut failed during the removal of a known landslide area located along the southern boundary.

The landslide area was located within a significant ridgeline as mapped in the Castaic Area Community Standards District ("CSD") and within a conservation easement area owned by Sterling Gateway, L.P., the prior owner of the land upon which PM 60030 is being constructed, and controlled by the Mountains Resource and Conservation Authority ("MRCA") as the grantee of a recorded conservation easement serving as mitigation for PM 60030. Stabilization efforts required that the remedial grading be performed on the conservation easement along with a cut through the existing significant ridgeline. Sterling Gateway, L.P., MRCA, and the California Department of Fish & Wildlife authorized the emergency grading to repair and reinforce the landslide area to protect the remainder of the conservation easement. Authorization letters were provided by each of the respective parties (Attachment A, B, and C).
The Los Angeles County Departments of Regional Planning and Public Works staff conducted a site visit on June 4, 2015 and verified the situation necessitated immediate action to prevent a catastrophic slope failure and risk to the site given the forecasted El Nino rains of 2015-2016. Emergency remedial grading was implemented soon after on the southern portion of PM 60030 and the parcel (APN 3271-005-032) - containing the 41.35 acre conservation easement - adjoining the southern boundary of PM 60030 to stabilize, repair, and reinforce the landslide area. The emergency grading was conducted in accordance with a grading plan approved by the Department of Regional Planning and the Department of Public Works (Attachment D). The emergency grading work, due to the backcut failure, required the alteration of a significant ridgeline and removal of natural habitat within the conservation easement. Compensatory mitigation funds were issued by the applicant to MRCA for the acquisition of additional mitigation land to replace the 6.4 acres of impacted natural habitat. Landscaping according to the plant palette approved for PM60030 was added to the graded areas during the Fall of 2016. The urgent nature of the situation required action be taken prior to the issuance of standard discretionary approvals, thus retroactive permits are being requested at this time.

PROJECT DESCRIPTION
The applicant, SG Witherspoon SPE LLC ("applicant"), is requesting a CUP to ensure compliance with the MPD-DP zone and to retroactively authorize remedial offsite and onsite grading consisting of 154,000 cubic yards of cut, 110,000 cubic yards of fill, and balanced on PM 60030 due to a slope failure during approved grading activities for PM 60030. Remedial offsite grading affected 6.7 acres of the adjoining parcel (APN 3271-005-032) to the south of PM 60030 and within the required offsite conservation easement for PM 60030.

The applicant is also requesting a Variance from the Castaic Area Community Standards District (County Code Section 22.44.137.D.6.b.i) for grading of a significant ridgeline, reducing the elevation by up to 40 feet, as part of the remedial grading required to stabilize, repair, and reinforce the area due to a slope failure during grading activities for PM 60030.

SITE PLAN DESCRIPTION
PM 60030 consists of 116.6 acres with slightly sloping topography and graded for development of an industrial business park project. Adjoining PM 60030 to the south and west is a 94.97 acre parcel (APN 3271-005-032), of which the southeastern portion constitutes the 41.35-acre offsite conservation easement for PM 60030. The Project Site where the remedial grading occurred consists of the southern portion of PM 60030 and 6.7 acres of APN 3271-005-032 adjoining the southern boundary of PM 60030.

EXISTING ZONING
The subject property is zoned MPD-DP and A-2-2.

Surrounding properties are zoned as follows:
North: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area)
South: A-2-2  
East: M-1.5-DP (Restricted Heavy Manufacturing – Development Program)  
West: R-1 (Single-Family Residence)

EXISTING LAND USES
The subject property is currently undeveloped but graded in preparation for an industrial business park.

Surrounding properties are developed as follows:  
North: Vacant  
South: Vacant  
East: Industrial, vacant  
West: Vacant, single-family residences

PREVIOUS CASES/ZONING HISTORY
Lot Line Adjustment Case No. 2005-00056 was filed on the subject property on October 18, 2005 proposing to adjust boundaries between two legal parcels. The case was approved on December 16, 2005 as Instrument No. 05-3105639.

Vesting Tentative Parcel Map No. 60030 to create 31 industrial lots and five debris basin lots; Conditional Use Permit No. 03-238 to ensure compliance with the MPD-DP zone, allow retaining walls ranging from six to 12 feet in height, and onsite project grading that exceeds 100,000 cubic yards; and Oak Tree Permit Case No. 2007-00006 to remove four oak trees were approved concurrently on December 3, 2008.

Conditional Use Permit Modification No. 201100016 and Amended Tentative Map was approved on May 17, 2011 and modified CUP Condition No. 48 to remove the requirement to install the Hasley Canyon Road and Golden State Freeway interchange.

Conditional Use Permit Modification No. 201300057 was approved on October 15, 2013 and modified CUP Condition No. 23 to reduce the required parking from 2,805 to 1,531; eliminate reference to the "small lot alternative"; and update the Exhibit "A" approval date to August 14, 2013.

An Amended Exhibit Map was approved on September 12, 2013 to add five open space lots.

Final Map was cleared and approved on March 12, 2014.

Revised Exhibit “A” No. 201300080 was approved on February 10, 2014 for approval of a grading plan.

Revised Exhibit “A” No. 201400460 was approved on July 21, 2015 for a revision to the previously approved grading plan to reduce the number of building pads from 31 to nine and other minor changes.
Revised Exhibit "A" No. 201500084 was approved on November 24, 2015 for a building and landscape plan for Building 1.

Revised Exhibit "A" No. 201500085 was approved on November 24, 2015 for a building and landscape plan for Building 2.

Revised Exhibit "A" No. 201500086 was approved on November 24, 2015 for a building and landscape plan for Building 9.

Revised Exhibit "A" No. RPPL2016003875 was approved on February 7, 2017 for the construction of 216,320 square feet of warehousing and offices, parking, and drought-tolerant landscaping.

Ordinance No. 7486 adopted on March 3, 1959 established the A-2-2 zone on the subject property. The current MPD-DP zoning on the subject property became effective on February 7, 2002, following the adoption of Ordinance No. 2002-0003Z, which established Zone Change Case No. 90-445-(5) from A-2-2 to MPD-DP.

STAFF EVALUATION

General Plan/Community Plan Consistency
The Project Site is located within the IO (Industrial Office) land use category of the Santa Clarita Valley Area Plan. This designation is intended for mixed employment districts in areas accessible to transportation and visible from freeways and major arterials and is intended to promote the development of master-planned environments with a high quality of design and construction. Allowable uses in this designation include offices; medical service; research and development; light assembly and fabrication; warehousing and distribution; and supportive commercial uses. Specific allowable uses and development standards shall be determined by the underlying zoning designation. The development of the industrial park provides an employment district in close proximity to other like-kind developments located immediately to the east and in proximity to the Golden State Freeway and is therefore consistent with the permitted uses of the underlying land use category.

The Project Site is also located within the RL5 (Rural Land 5) land use category of the Santa Clarita Valley Area Plan. This designation identifies lands that include environmental features and are not appropriate for intense development requiring urban services. Lands in this category are undeveloped or partially developed and consist of rolling hillside areas with limited access. Allowable uses in this designation include single-family homes at a maximum density of one dwelling unit per five acres, agriculture, equestrian uses, private recreation, and public and institutional facilities serving the local area. Specific allowable uses and development standards shall be determined by the underlying zoning designation. The conservation easement is located with this designation, contains environmental features, and not intended for development. Grading within this area was not anticipated and was implemented only as a result of an unforeseen circumstance that necessitated the action in order to maintain future safety of the landslide area. Subsequent to the remediation, the area
will be returned to resemble its previous condition as best possible with no planned development. Therefore it is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the project:

- **Policy S 1.1:** Require developments to mitigate geotechnical hazards, such as soil instability and landsliding, in Hillside Management Areas through siting and development standards.

- **Policy C/NR 13.5:** Encourage required grading to be compatible with the existing terrain.

The backcut was an attempt to mitigate a known landslide area during approved grading for PM 60030, however the slope failure had not been anticipated. To be able to stabilize the slope, remedial grading was implemented as further mitigation of the geotechnical hazard. With slope stabilization as the highest priority, the remedial grading was conducted in a manner that would achieve that goal while trying to minimize the reduction in the ridgeline elevation. Vegetation with a compatible plant palette aimed to soften the smooth shears created by the grading.

The following policies of the Santa Clarita Valley Area Plan are applicable to the project:

- **Policy LU-1.3.2:** Substantially retain the integrity and natural grade elevations of significant natural ridgelines and prominent landforms that form the Valley's skyline backdrop.

- **Policy LU-1.3.3:** Discourage development on ridgelines and lands containing 50% slopes so that these areas are maintained as natural open space.

- **Policy LU-2.1.5:** Identify areas with hazardous conditions and ensure that uses in or adjacent to these areas pose minimal risk to public health or safety.

Based upon geotechnical reports, it was determined that grading of the significant ridgeline was necessary to meet safety requirements and slope stabilization goals thereby requiring the variance from the Castaic Area CSD and retroactive approval of the offsite grading activity to prevent a catastrophic landslide.

**Zoning Ordinance and Development Standards Compliance**

Pursuant to Part 2 of Chapter 22.40 of the County Code, the Development Program Zone states that if a conditional use permit has been obtained as provided in Part 1 of Chapter 22.56, property in Zone ( )-DP may be used for any use permitted in the basic zone subject to the conditions and limitations of the conditional use permit, including the approved development program which shall be contained therein. The base MPD zone stipulates that if a conditional use permit has been first obtained as provided in Part 1 of
Chapter 22.56, property in Zone MPD may be used for a planned industrial development in which the Hearing Officer or the Commission may approve any use permitted in Zone M-1.5 subject to various development standards. Subject to these provisions, onsite grading projects and offsite grading projects where more than 100,000 cubic yards of material is to be transported are subject to a CUP. Onsite grading had been previously approved through CUP 03-238.

Pursuant to Section 22.24.150 of the County Code, onsite grading projects and offsite grading projects where more than 100,000 cubic yards of material is to be transported are subject to a CUP in the A-2 Zone. Offsite and onsite grading consisting of 154,000 cubic yards of cut, 110,000 cubic yards of fill, and balanced on PM 60030 was necessary for the remedial grading work, thereby requiring a CUP be authorized for the remedial grading.

Pursuant to Section 22.44.137 of the County Code, the following development standards in the Castaic Area Community Standards District ("CSD") are applicable to this project:

- **Section 22.44.137.D.6.b.i. (Significant Ridgeline Protection):** Development restrictions on significant ridgelines. Except as provided in subsection D.6.c [exemptions], no development, grading, construction, or improvements shall be allowed on a significant ridgeline.

- **Section 22.44.137.D.8 (Locally Indigenous Vegetation):** The removal or destruction of locally indigenous vegetation is prohibited on a parcel of land one acre or greater in size, where the area of removal or destruction is greater than ten percent of the parcel. For purposes of this subsection, locally indigenous vegetation is defined as the vegetation listed on the Castaic Area List of Indigenous Plants, prepared and maintained by Regional Planning. This subsection shall not apply to the removal or destruction of locally indigenous vegetation:
  a. That is necessary to comply with county regulations relating to brush clearance for fire safety or is otherwise required by the county fire department;
  b. On a publicly owned right-of-way;
  c. By a public utility on its own property or right-of-way or on land providing access to such property or right-of-way;
  d. For work performed under a permit issued to control erosion or flood hazards; or
  e. That poses a hazard to persons or property, as determined by the county fire department.

Grading of the significant ridgeline was necessary as a part of the remediation plan due to the backcut failure and to mitigate for a potentially catastrophic landslide, thus
necessitating the request for a variance. Alternatives were assessed to avoid the
grading of the significant ridgeline, however they were found to be unfeasible. As a
part of the grading, vegetation was removed however it met the requirement of
Section 22.44.137.D.8.e in that the landslide area posed a hazard to persons or
property and grading could not have been conducted without the removal of
vegetation.

Neighborhood Impact/Land Use Compatibility
Geotechnical Impact
The applicant provided grading reports dated June 9, 2015, July 8, 2015, and August 7,
2015 prepared by Allan E. Seward Engineering Geology, Inc. analyzing two options for
the slope stabilization:

Option 1: Temporary backcut that would minimize the impact of grading to the
ridgeline. In order to remove the existing failure debris, a 1.1:1 to
1.5:1 gradient backcut up to 200 feet in height would have been
required. Due to the existing steep topography above this backcut
configuration, unsatisfactory factors of safety were calculated for
temporary conditions. Based on the results of the slope stability
analysis, this option was considered unfeasible due to safety factors.

Option 2: Temporary backcut that would yield an adequate factor of safety for
temporary stability and remove existing failure debris. This
configuration required a 200-foot high 1.5:1 gradient backcut with two
20-foot benches, a 1"1 gradient backcut up to 41 feet in height above
the upper bench, and a 3:1 gradient cut through the existing ridgeline.
This yielded adequate factors of safety for temporary stability but
reduced the overall elevation of the ridgeline by up to 40 feet. The
height and steepness of topography on the west facing natural slopes
prevented construction of fill slopes due to fill slope setbacks from
steep natural slopes and potential hazardous conditions for workers.

Remedial grading options to remove and replace the failure debris were evaluated
taking into consideration the sensitivity of potential impacts to the ridgeline. In order to
remove the failure debris and achieve a backcut with a satisfactory safety factor for
temporary stability, Option 2 was recommended by Allan E. Seward Engineering
Geology, Inc. and selected by the applicant and ultimately approved by the Department
of Public Works. Alternatives to replace the proposed cut through the ridgeline with less
impactful remedial grading configurations were evaluated and determined to not meet
the minimum County requirements for factors of safety for temporary slope stability.
Option 2 with the cut through the ridgeline yielded the most optimal solution to achieve
short- and long-term slope stabilization goals and met minimum County requirements
for factors of safety.
Visual Impact
The applicant provided a visual study dated September 22, 2015 prepared by Dudek analyzing the potential impacts to visual resources associated with emergency offsite grading within a significant ridgeline and its associated slope to repair and reinforce the landslide area just south of PM 60030. A series of panoramic photos were taken prior to, on August 21, 2015, and after, on September 12, 2015, the emergency grading of the ridgeline documenting the evident visual effects of grading and ridgeline alteration at varying levels of visibility from across the Project Site (Attachment E). The visual change associated with the landslide including the transformation of the north-facing slope along the Project Site’s southern border from a rugged and rough textured scrub and grassland-covered hillside to a series of smooth, sheer faces and clumped mounds of loose soil was visible from across the Project Site and from the adjacent industrial business park. The visual effects of the landslide and resulting form, color, and texture of the north-facing slope created noticeable visual contrast with the form, line, and color displayed by seemingly unaltered hillsides located immediate to the east and west. While the rounded and prominent apex of the north-facing slope was evident in photographs, the peak now exhibits a lower profile and a broad, pyramidal form. Furthermore, the previously steep and rounded County-designated significant ridgeline now displays long diagonal lines that are particularly pronounced due to the removal of vegetation. Grading activities have altered the character of the peak and the ridgeline by creating a more diagonal, pyramidal form and lowering the peak by 37 feet. It is anticipated that over time the diagonal ridgeline will soften and display a smoother, more horizontal form after the revegetation becomes fuller.

The elevation of the prominent peak and nearby high points in the terrain ranges from approximately 1,660 feet Above Mean Sea Level ("AMSL") to 1,580 feet AMSL. The elevation of the peak had been lowered by approximately 36 feet, and the peaks' previously steep, rounded profile had been replaced by a long, regular diagonal line. Also, the previously rugged line of the north-facing slope was modified by grading activities, and the incorporation of benches and backslopes to the terrain resulted in an alternating horizontal and diagonal profile. Over time, the regular line and horizontal and diagonal slope profile envisioned by the preliminary grading plan would display a stepped character similar to other rugged terrain in the area that has been modified by development and the installation of drainage infrastructure.

The goal of the landslide repair was to stabilize the slope where the landslide occurred, so the location of the grading was directly linked to the landslide. Due to the emergency nature of the grading activities and the need to stabilize the slope and landslide area, the incorporation of typical sensitive hillside design measures including avoidance of mass cut and fill grading resulting in 25 feet or greater elevation change from the existing to finished manufactured grade or the use of contoured grading lines that closely match the existing topography was not technically feasible. A grading plan featuring a series of diagonal backcuts and horizontal benches was developed in order to sufficiently stabilize the slope and landslide area.
The landslide area was revegetated in accordance with the approved landscape plan for PM 60030 after grading and stabilization in Fall of 2016 prior to the 2016-2017 rains in order to promote optimal plant growth. While revegetation of the landslide area would not address the lower elevation of the peak or softer diagonal line of the ridgeline, re-establishment of vegetation will help to preserve the scenic value of the hillside and promote a consistent visual character with that of unaltered terrain in the surrounding area.

**Biota Impact**

The applicant provided a biological report dated September 22, 2015 prepared by Dudek analyzing the impacts to biological resources associated with emergency offsite grading within a significant ridgeline and its associated slope to repair and reinforce the landslide area just south of PM 60030. A biological inventory of the landslide area was conducted on July 6, 2015. Survey transects were established in the summer season, which potentially precluded the observation of spring and early summer annual species. In addition, the region had experienced a four-year drought, and some plants responded by remaining dormant during the growing season, displaying reduced germination and seeding success, and early senescence. Many of the annual plants had already set seed and were in varying stages of decomposition at the time the data collection was completed, so not all plants were identifiable to species. Furthermore, the steepness of the terrain and the instability of the soils limited the number of transects that could be collected. In the landslide area, the ridgetop had on average a 45-degree slope, but there were many areas where the slope increased to 60-degrees or more. Due to safety concerns, transects were not established in areas with a 60-degree slope or greater. The soil around the landslide area was unstable, therefore areas above to the side of the landslide that appeared unstable were avoided. As a general rule, areas within a 50-foot radius around the landslide were avoided.

All vegetation within the landslide area had been disturbed as a result of the emergency grading. Native dominated vegetation communities disturbed within the landslide area consisted of varieties of coastal sage scrub including California buckwheat scrub, California sagebrush scrub, and disturbed California sage scrub. Plants identified during the July 6, 2015 field survey conducted by Dudek for the biological report are listed in Table 1.

Coastal sage scrub was a native community identified as requiring mitigation in PM 60030’s MND. Mitigation for PM 60030’s impacts to native vegetation, including coastal sage scrub, required preservation of native habitat in perpetuity through recordation of a conservation easement. Due to the offsite grading within the conservation easement, 6.4 acres of native coastal sage scrub communities had been additionally impacted. Revegetation as a part of the remediation plan occurred during Fall 2016, prior to the rainy season in order to improve chances of the plants establishing, according to the landscape plan approved for PM 60030 February 13, 2014.

The approved landscaping plan for PM 60030 identified the offsite conservation easement adjoining the southern boundary of PM 60030, which included the remedial
grading area, as consisting of undisturbed 100% locally native plants. A detailed plant palette was not identified for the conservation easement. However, field studies conducted in 2009, 2010, and 2011 by the County biologist documented the plant diversity of the subject area. Those plants were of the coastal sage scrub communities and listed in Table 1.
## Table 1: Plants Observed on Site of Remedial Graded Slopes

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>July 6, 2015 Field Survey Conducted by Dudek</th>
<th>2009, 2010, and 2011 Field Surveys Conducted by County Biologist</th>
<th>Riversidean Sage Plant Palette in Landscape Plan for PM 60030 &amp; Used on Remedial Graded Slopes</th>
</tr>
</thead>
<tbody>
<tr>
<td>California buckwheat</td>
<td>X (16% coverage)</td>
<td>X (6% coverage)</td>
<td>X (21% of seed mix)</td>
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<tr>
<td><em>Eriogonum fasciculatum</em></td>
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<tr>
<td>Turkish rugging</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td><em>Chorizanthe stenoides</em></td>
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<td></td>
<td></td>
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<tr>
<td>Wishbone bush</td>
<td>X</td>
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<td><em>Mirabilis laevis ssp. crassifolii</em></td>
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<td></td>
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<tr>
<td>Purple sage</td>
<td>X</td>
<td>X (1% coverage)</td>
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<td><em>Salvia leucophylla</em></td>
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<tr>
<td>Arroyo lupine</td>
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<tr>
<td><em>Lupinus succulentus</em></td>
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<tr>
<td>Russian thistle</td>
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<tr>
<td><em>Salsola tragus</em></td>
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<tr>
<td>Rocket</td>
<td>X</td>
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<tr>
<td><em>Sisymbrium sp.</em></td>
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<td>Shortpod mustard</td>
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<tr>
<td><em>Hirschfeldia incana</em></td>
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<tr>
<td>Common fiddleneck</td>
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<tr>
<td><em>Amsinckia menziesii</em></td>
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<tr>
<td>Wire lettuce</td>
<td>X</td>
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<tr>
<td><em>Stephanomeria exigua</em></td>
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<td></td>
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<tr>
<td>California sagebrush</td>
<td>X (66% coverage)</td>
<td>X (37% coverage)</td>
<td>X (4% of seed mix)</td>
</tr>
<tr>
<td><em>Artemisia californica</em></td>
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<tr>
<td>Hollyleaf cherry</td>
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<tr>
<td><em>Prunus ilicifolia</em></td>
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<tr>
<td>Fragrant sumac</td>
<td>X</td>
<td></td>
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<tr>
<td><em>Rhus aromatica</em></td>
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<tr>
<td>Deerweed</td>
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<tr>
<td><em>Lotus scoparius</em></td>
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<td>Common yucca</td>
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<td><em>Yucca Whipple</em></td>
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<td>Golden yarrow</td>
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</tr>
<tr>
<td><em>Eriophyllum confertiflorum</em></td>
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<tr>
<td>California poppy</td>
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<tr>
<td><em>Eschscholtzia californica</em></td>
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<tr>
<td>Bicolor lupine</td>
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<td><em>Lupinus bicolor</em></td>
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<td><em>Nassella pulchra</em></td>
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<td>Small sixweeks grass</td>
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<tr>
<td><em>Encelia californica</em></td>
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</table>
The applicant was required to meet biological mitigation requirements guided by the Habitat Mitigation Monitoring Plan ("HMMP") approved by the Army Corps of Engineers and a separate HMMP approved by the California Department of Fish and Wildlife for various impacts from PM 60030. As a result of their requirement to perform mitigation planting in 2015 with the first annual report due in 2016, plantings moved forward in Fall of 2016 including those for the revegetation of the landslide area. The applicant selected the Riversidean sage scrub plant palette, approved in the landscape plan for PM 60030, as being most appropriate for this impacted area because these plants were found along the southern boundary of PM 60030 and adjoining the conservation easement. The Riversidean sage scrub plant palette used to revegetate the remedial graded areas are listed in Table 1.

Based upon a comparison of plant species observed during the field surveys, it can be seen that revegetation according to the Riversidean sage scrub plant palette did not contain all of the plant species previously observed in the impacted area. Of the 6.7 acres impacted offsite, 1.1 acres (16%) were California buckwheat scrub, 4.4 acres (66%) were California sagebrush scrub, 0.84 acres (12%) were disturbed California sagebrush scrub, and 0.3 acres (5%) were annual grasslands according to the biological report dated September 22, 2015 prepared by Dudek. Two of the plant species observed in the field studies by both Dudek and the County biologist and replanted were the California buckwheat (Eriogonum fasciculatum) and California sagebrush (Artemesia californica) scrubs. The seed mix used on the revegetated areas contained 21% California buckwheat when it was observed at 6-16% of the coverage area; while the seed mix contained 4% California sagebrush when it was observed at 37-66% of the coverage area. Additionally, purple sage was observed in field surveys by both Dudek and the County biologist but was not included in the seed mix for the revegetation. It would be appropriate for the applicant to add additional seeds of the California sagebrush and purple sage species to the impacted areas because of the verified observances made by both Dudek and the County biologist and the approved landscape plan did not provide plant details for the offsite conservation area other than noting it as consisting of undisturbed 100% locally native plants.

In addition to the natural habitat and relatively undisturbed areas removed as a part of the emergency grading, the landslide area contained suitable habitat for listed endangered or threatened species. There are no special status species documented or observed within the landslide area. The federally listed as threatened coastal California gnatcatcher has the potential to breed within the coastal sage scrub habitat that had been removed; however, the emergency grading was conducted outside the breeding season for this species. The following California species of concern also have the potential to occur in the landslide area: American badger, San Diego black-tailed jackrabbit, and coast horned lizard. A preconstruction survey was conducted prior to initiation of grading activities to ensure direct impacts to special status species were avoided. The landslide area is also part of a wildlife movement corridor preserved as part of PM 60030. Mitigation measures implemented for PM 60030, including revegetation, will minimize potential for impacts to the wildlife corridor.
Grading of the significant ridgeline and landslide area removed natural habitat and relatively undisturbed areas. However, PM 60030 had already been reviewed and approved by the Commission and is subject to the MMP approved by the County and conditions of approval from resource agencies, including the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the California Regional Water Quality Control Board. The emergency grading removed approximately 6.4 acres of coastal sage scrub habitat. Continued compliance with the mitigation measures found in the MMP regarding biota will be required to ensure that revegetation occurs in a manner suitable for the impacted area. The applicable mitigation measures from the MMP include:

- **5C:** To reduce the long term loss of native habitat and the potential of invasive species establishment, a landscape plan shall be prepared for all graded areas outside of any mandated brush clearance zones and shall be submitted for review and approval by the County of Los Angeles Department of Regional Planning prior to the issuance of a grading permit. The landscape plan shall limit irrigation to within Fuel Modification Zone A and shall utilize only locally indigenous plant species and varieties in accordance with the requirements of the Castaic CSD.

- **5D:** ...the developer shall ensure that if project activities cannot feasibly avoid the breeding bird season, then beginning thirty days prior to the disturbance of a suitable nesting habitat the developer/project proponent will arrange for weekly bird surveys to detect any protected native birds in the habitat to the removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. The developer shall record the results of the surveys and recommend protective measures described above and submit the records to the
Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

- **5E:** Prior to grading, a qualified biologist shall be retained by the applicant as the biological monitor subject to the approval of the County of Los Angeles. That person shall ensure that impacts to biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct pre-grading field surveys for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. During earthmoving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading activities if violations of mitigation measures or any local, state, or federal law are suspected.

Impacts to biota were identified in the MND and an offsite conservation easement was created on an adjoining property (APN 3271-005-032) to mitigate for impacts on PM 60030. The location of the conservation easement was selected because it is located adjacent to the Project Site and supports higher quality Riversidean sage scrub communities, the same special-status plants and special-status wildlife as the impacted parcel, and it is continuous with undeveloped land to the south and west that connects to the Santa Clara River. The mitigation measures found in the MND are still applicable to this Project as the backcut failure was a result of approved grading for PM 60030.

**Burden of Proof**
The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.290 of the County Code. The Burdens of Proof with applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof.

**ENVIRONMENTAL DETERMINATION**
Los Angeles County ("County") Staff recommends that this Project qualifies as a Statutory Exemption pursuant to CEQA Guidelines Section 15269(c) – *Emergency Projects: Specific actions necessary to prevent or mitigate an emergency* – and is consistent with the finding by the State Secretary for Resources or by local guidelines. The extent of the landslide area was unknown until approved grading had been initiated to remove a known landslide. Due to unanticipated geologic conditions exposed during grading, the depth of the landslide area was greater than previously interpreted. Backcuts were performed as a part of the landslide removal, however they failed and expanded after subsequent rainfall. The forecasted El Nino rains of 2015-2016 posed a threat that could have increased the instability of the steep slopes which necessitated immediate mitigation action to prevent an emergency situation that could have resulted in a catastrophic landslide. That action included the remedial grading and revegetation of the graded slopes.

The MND issued for PM 60030 and approved by the Regional Planning Commission in 2008 identified less than significant effects with project mitigation for Biota and Drainage
and Grading. It acknowledged that grading for the Project would significantly alter the landform on the Project Site but indicated most of the major ridgelines should remain intact.

Emergency remedial grading was necessary to prevent further catastrophic slope failure that could have expanded to impact a larger area of both PM 60030 and the conservation easement. Revegetation of the slopes was a part of the remediation plan to provide further slope stability through rooting and soften the visual impact. Mitigation measures regarding impacts to Biota will continue to apply to PM 60030 to ensure continued rehabilitation of the areas impacted by the remedial grading.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS
The Department of Public Works recommended conditions to the project, including submittal of a revision of the previously approved rough grading plans and revised grading plans, if it is ultimately approved in a letter dated March 9, 2017. The Fire Department did not have any requirements for the project and recommended approval in a letter dated April 20, 2016. The Department of Parks and Recreation stated there are no trail requirements for the project in an email dated May 26, 2016.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS
In a letter dated July 1, 2015, the Mountains Recreation & Conservation Authority ("MRCA") confirmed the right of the applicant to enter the 41-acre area covered by the conservation easement to perform emergency grading to remediate and restore landslide areas (Attachment B). Additionally, MRCA received payment from the applicant for the acquisition of additional conservation areas to replace the area impacted by the landslide. Other than the revegetation of the landslide area, MRCA did not require further mitigation.

In an email dated July 1, 2015, the California Department of Fish & Wildlife acknowledged the agreement stated above between MRCA and the applicant and was satisfied with the resolution (Attachment C).

LEGAL NOTIFICATION AND PUBLIC OUTREACH
Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

Additionally, the applicant attended a Val Verde Civic Association meeting on June 9, 2016 and a Castaic Area Town Council meeting on June 15, 2016 to present the boards and residents with a presentation detailing the landslide event that occurred in May 2015, the process for obtaining retroactive approvals, confirmation that compensatory mitigation had been remitted for the impacted conservation area, and notification that approved grading had been completed.

PUBLIC COMMENTS
Staff has not received any comments at this time.
FEES/DEPOSITS
If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION
The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of Project Number 03-238, Conditional Use Permit Number 201500127, and Variance Number 201500002, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS STATUTORILY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500127 AND VARIANCE NUMBER 201500002 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Thuy Hua, Senior Regional Planner, Zoning Permits North Section
Reviewed by Samuel Dea, Supervising Regional Planner, Zoning Permits North Section

Attachments:
A) Letter dated June 8, 2015 from Sterling Gateway, L.P.
B) Letter dated July 1, 2015 from the Mountains Recreation & Conservation Authority
C) Letter dated July 1, 2015 from the California Department of Fish & Wildlife
D) Emergency Grading Plan approved by the Departments of Regional Planning and Public Works / Site Plan
E) Site Photographs
F) Draft Findings
G) Draft Conditions of Approval
H) Applicant’s Burden of Proof statement
I) Aerial Image
J) Land Use Map
K) Zoning Map

SD:TH
6/14/17
June 8, 2015

IAC SG Witherspoon SPE LLC
c/o Mr. Larry Krasner
190 N. Canon Drive, Suite 300
Beverly Hills, California 90210

Re: IAC Commerce Center PM 60030
    Emergency Grading Required to Stabilize Slope within 41-acre
    Conservation Easement Area.

Dear Mr. Krasner:

Pursuant to Paragraph 3 of the Conservation Easement between Sterling Gateway, L.P., IAC SG Witherspoon SPE LLC and Mountains Recreation and Conservation Authority, recorded by the County of Los Angeles Recorder’s Office on April 23, 2015, Sterling Gateway, L.P. confirms the right of IAC SG Witherspoon SPE LLC to enter the 41-acre conservation easement area, depicted in Exhibit A attached hereto, to perform emergency grading to remediate and restore a landslide area in northern portion of the 41-acre conservation easement area, depicted in Exhibit B attached hereto. Sterling Gateway, L.P. understands, once remediated and restored, IAC SG Witherspoon SPE LLC or its agents will vegetate the landslide area with native vegetation similar to the native vegetation in the immediately surrounding area.

Sincerely,

Robert H. Williams
General Partner

cc: Lisa Soghor, Mountains Recreation and Conservation Authority
    Scott Taylor
    Kathleen O’Prey Truman
July 1, 2015

IAC SG Witherspoon SPE LLC
c/o Mr. Larry Krasner
190 N. Canon Drive, Suite 300
Beverly Hills, California 90210

Re: IAC Commerce Center PM 60030
Emergency Grading Required to Stabilize Slope within 41-acre area
covered by the Conservation Easement Area

Dear Mr. Krasner:

Pursuant to Paragraph 3 of the Conservation Easement between Sterling Gateway, L.P., IAC SG Witherspoon SPE LLC ("IAC") and Mountains Recreation and Conservation Authority, recorded by the County of Los Angeles Recorder's Office on April 23, 2015 (the "Conservation Easement"), Mountains Recreation and Conservation Authority ("MRCA") confirms the right of IAC to enter the 41-acre area covered by the Conservation Easement, depicted in Exhibit A attached hereto, to perform emergency grading to remediate and restore landslide areas in the northern portion of the 41-acre area covered by the Conservation Easement, depicted in Exhibit B attached hereto (the "Landslide Remediation Area"). MRCA understands, once remediated and restored, IAC or its agents will vegetate the Landslide Remediation Area with native vegetation similar to the native vegetation in the immediately surrounding area.

MRCA has received a payment from IAC for MRCA to acquire additional conservation areas to replace the area within the Landslide Remediation Area and MRCA agrees, other than the vegetation referred to above, no further mitigation of the Landslide Remediation Area will be required.

Sincerely,

Lisa Soghor
Deputy Executive Officer

cc: Hunt Williams
    Scott Taylor
    Kathleen O'Prey Truman

A local public agency exercising joint powers of the Santa Monica Mountains Conservancy, the Conejo Recreation & Park District, and the Rancho Simi Recreation & Park District pursuant to Section 65000 et seq. of the Government Code.
Scott/Larry,

CDFW has been notified by MRCA that a landslide that originated offsite has affected the conservation easement area established pursuant to the Conservation Easement granted to MRCA and recorded on April 23, 2015, as document number 20150460649.

CDFW acknowledges that Grantor/Developer will be exercising its rights under Section 3 of the Conservation Easement for the purpose of habitat restoration. CDFW also understands and acknowledges that Grantor/Developer has provided MRCA with a onetime fee intended to be used for acquisition of additional habitat to compensate for the portions of the Easement Area affected by the landslide.

With this information, the Department is satisfied with the resolution of this issue. Please call me if you have any additional questions.

Erinn Wilson
Senior Environmental Scientist (Supervisory)
4665 Lampson Ave.
Los Alamitos CA 90720
(562) 900-8138

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EXHIBIT "A"

CONSERVATION EASEMENT SOUTHERLY OF PARCEL MAP NO. 60030

A. EASEMENT TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FOR FLOOD CONTROL PURPOSES.

B. EASEMENT FOR GRADING, SLOPE, AND DRAINAGE PURPOSES.

LINE TABLE

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SCALE: 1" = 500'
DATE: 1-11-2013
W.O. 5100-056-02

PARCEL MAP NO. 60030
P.M.B. 379-48-66

GENERAL WLY AND S'LY LINES OF STERLING GATEWAY, L.P., RECORDED 6-21-2006 INSTRUMENT NO. 06-1362500, O.R.

41.36 ACRES
APN 5271-005-032
N.B. 101-87-88

S'LY LINES LOT A
TRACT NO. 8599

P.O.B.
SE'LY COR. LOT A
TRACT NO. 8599

X: \survey\60030\EXHIBIT\DWG\08602-CONSERVATION EASEMENT.dwg
1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on June 28, 2017, in the matter of Project No. 03-238, consisting of Conditional Use Permit No. 201500127 ("CUP") and Variance No. 201500002. The CUP and Variance are referred to collectively as the "Project Permits."

2. The permittee, SG Witherspoon SPE LLC ("permittee"), requests the Project Permits to retroactively authorize emergency remedial grading in excess of 100,000 cubic yards and grading of a significant ridgeline due to a slope failure and prevention of a catastrophic landslide ("Project") on a property located at APN 3271-005-032 in the unincorporated community of Val Verde ("Project Site").

3. The CUP is a request to retroactively authorize emergency offsite and onsite grading in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) zone pursuant to Los Angeles County Code ("County Code") Section 22.24.150. The grading consisted of 154,000 cubic yards of cut, 110,000 cubic yards of fill, and was balanced on Parcel Map 60030 ("PM 60030").

4. The Variance is a request to retroactively authorize the deviation from the Castaic Area Community Standards District for the grading of a significant ridgeline with a reduction of the ridgeline elevation by up to 40 feet in conjunction with the remedial grading pursuant to Los Angeles County Code Section 22.56.260.

5. The Project is located at the westerly terminus of Witherspoon Parkway between Del Valle Road and Avenue Penn in the unincorporated community of Val Verde, south of Hasley Canyon Road and east of Del Valle Road, in the Newhall Zoned District.

6. The Project Site is 116.6 gross acres in size and comprised of one parcel. The property is irregular in shape on slightly sloping topography. The parcel containing the conservation easement located directly south of the Project Site and affected by the slope failure is 94.97 gross acres, 41.35 gross acres as conservation land, and consists of moderate to highly sloped terrain.

7. The Project Site is located in the Newhall Zoned District and is currently zoned MPD-DP (Manufacturing – Industrial Planned – Development Program) and A-2-2.

8. The Project Site is located within the IO (Industrial Office) and RL5 (Rural Land 5) land use category of the Santa Clarita Valley Land Use Policy Map.

9. The Project Site is located within the Castaic Area Community Standards District ("CSD").
10. Surrounding Zoning within a 500-foot radius includes:

   North: A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area)
   South: A-2-2
   East: M-1.5-DP (Restricted Heavy Manufacturing – Development Program)
   West: R-1 (Single-Family Residence)

11. Surrounding land uses within a 500-foot radius include:

   North: Vacant
   South: Vacant
   East: Industrial, vacant
   West: Vacant, single-family residences


13. Lot Line Adjustment Case No. 2005-00056 was filed on the subject property on October 18, 2005 proposing to adjust boundaries between two legal parcels. The case was approved on December 16, 2005 as Instrument No. 05-3105639.

Vesting Tentative Parcel Map No. 60030 (“PM 60030”) to create 31 industrial lots and five debris basin lots; Conditional Use Permit No. 03-238 to ensure compliance with the MPD-DP zone, allow retaining walls ranging from six to 12 feet in height, and onsite project grading that exceeds 100,000 cubic yards; and Oak Tree Permit Case No. 2007-00006 to remove four oak trees were approved concurrently on December 3, 2008.

Conditional Use Permit Modification No. 201100016 and Amended Tentative Map was approved on May 17, 2011 and modified CUP Condition No. 48 to remove the requirement to install the Hasley Canyon Road and Golden State Freeway interchange.

Conditional Use Permit Modification No. 201300057 was approved on October 15, 2013 and modified CUP Condition No. 23 to reduce the required parking from 2,805 to 1,531; eliminate reference to the "small lot alternative"; and update the Exhibit "A" approval date to August 14, 2013.

An Amended Exhibit Map was approved on September 12, 2013 to add five open space lots.

Final Map was cleared and approved on March 12, 2014.
Revised Exhibit "A" No. 201300080 was approved on February 10, 2014 for approval of a grading plan.

Revised Exhibit "A" No. 201400460 was approved on July 21, 2015 for a revision to the previously approved grading plan to reduce the number of building pads from 31 to nine and other minor changes.

Revised Exhibit "A" No. 201500084 was approved on November 24, 2015 for a building and landscape plan for Building 1.

Revised Exhibit "A" No. 201500085 was approved on November 24, 2015 for a building and landscape plan for Building 2.

Revised Exhibit "A" No. 201500086 was approved on November 24, 2015 for a building and landscape plan for Building 9.

Revised Exhibit "A" No. RPPL2016003875 was approved on February 7, 2017 for the construction of 216,320 square feet of warehousing and offices, parking, and drought-tolerant landscaping.

14. The site plan for the Project depicts PM 60030 as consisting of 116.6 acres with slightly sloping topography and graded for development of an industrial business park project. Adjoining PM 60030 to the south and west is a 94.97 acre parcel (APN 3271-005-032), of which the southeastern portion constitutes the 41.35-acre offsite conservation easement for PM 60030. The Project Site where the remedial grading occurred consisted of the southern portion of PM 60030 and 6.7 acres of APN 3271-005-032 adjoining the southern boundary of PM 60030. The 6.7 acres of graded area is located entirely within the conservation easement.

15. The Project Site is accessible via Witherspoon Parkway to the east. The conservation easement on APN 3271-005-032 does not have direct access and is accessible through PM 60030.

16. The County Department of Public Works ("Public Works") has cleared the Project for hearing and has recommended conditions of approval, if the Project is ultimately approved. The County Fire Department ("Fire Department") did not have any requirements for the Project and has recommended approval. The Department of Parks and Recreation did not have any trail requirements for the Project.

17. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a California Environmental Quality Act ("CEQA") Guidelines Section 15269(c) – Emergency Projects: Specific Actions necessary to prevent or mitigate an emergency – Statutory Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA") and is consistent with the State CEQA Guidelines and the Environmental Document Reporting Procedures and Guidelines for the County. The extent of the landslide area was unknown until approved grading had been initiated to remove a
known landslide. Due to unanticipated geologic conditions exposed during grading, the depth of the landslide area was greater than previously interpreted. Backcuts were performed as a part of the landslide removal, however they failed and expanded after subsequent rainfall. The forecasted El Nino rains of 2015-2016 posed a threat that could have increased the instability of the steep slopes which necessitated immediate mitigation action to prevent an emergency situation that could have resulted in a catastrophic landslide. That action included the remedial grading and revegetation of the graded slopes.

18. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

19. Prior to the Commission's public hearing, the Department of Regional Planning ("Regional Planning") staff received no comments from the public.

20. [RESERVED – Hearing Proceedings]

21. The Commission finds that the Project Site is located within the IO (Industrial Office) land use category of the Santa Clarita Valley Area Plan. This designation is intended for mixed employment districts in areas accessible to transportation and visible from freeways and major arterials and is intended to promote the development of master-planned environments with a high quality of design and construction. Allowable uses in this designation include offices; medical service; research and development; light assembly and fabrication; warehousing and distribution; and supportive commercial uses. Specific allowable uses and development standards shall be determined by the underlying zoning designation. The development of the industrial park provides an employment district in close proximity to other like-kind developments located immediately to the east and in proximity to the Golden State Freeway and is therefore consistent with the permitted uses of the underlying land use category.

The Project Site is also located within the RL5 (Rural Land 5) land use category of the Santa Clarita Valley Area Plan. This designation identifies lands that include environmental features and are not appropriate for intense development requiring urban services. Lands in this category are undeveloped or partially developed and consist of rolling hillside areas with limited access. Allowable uses in this designation include single-family homes at a maximum density of one dwelling unit per five acres, agriculture, equestrian uses, private recreation, and public and institutional facilities serving the local area. Specific allowable uses and development standards shall be determined by the underlying zoning designation. The conservation easement is located within this designation, contains environmental features, and is not intended for development. Grading within this area was not anticipated and was implemented only as a result of an unforeseen circumstance that necessitated the action in order to maintain future safety of the landslide area. Subsequent to the remediation, the area will be returned to resemble its previous condition as closely as possible with no planned development.
Therefore it is consistent with the permitted uses of the underlying land use category.

22. The Commission finds that the Project is consistent with the County Code. Pursuant to Part 2 of Chapter 22.40 of the County Code, the Development Program Zone states that if a conditional use permit has been obtained as provided in Part 1 of Chapter 22.56, property in Zone ( )-DP may be used for any use permitted in the basic zone subject to the conditions and limitations of the conditional use permit, including the approved development program which shall be contained therein. The base MPD zone stipulates that if a conditional use permit has been first obtained as provided in Part 1 of Chapter 22.56, property in Zone MPD may be used for a planned industrial development in which the Hearing Officer or the Commission may approve any use permitted in Zone M-1.5 subject to various development standards. Subject to these provisions, onsite grading projects and offsite grading projects where more than 100,000 cubic yards of material is to be transported are subject to a CUP. Onsite grading had been previously approved through CUP 03-238. Pursuant to Section 22.24.150 of the County Code, onsite grading projects and offsite grading projects where more than 100,000 cubic yards of material is to be transported are subject to a CUP in the A-2 Zone. Offsite and onsite grading consisting of 154,000 cubic yards of cut, 110,000 cubic yards of fill, and balanced on PM 60030 was necessary for the remedial grading work, thereby requiring a CUP be authorized for the remedial grading.

23. The Commission finds that the Project is subject to the significant ridgeline protection provision (Section 22.44.137.D.6.b.i) of the Castaic Area CSD. However, grading of the significant ridgeline was necessary as a part of the remediation plan due to the backcut failure and to mitigate for a potentially catastrophic landslide, thus necessitating the request for a variance. Alternatives were assessed to avoid the grading of the significant ridgeline, however they were found to be unfeasible. Additionally, the Project is subject to the locally indigenous vegetation provision (Section 22.44.137.D.8) of the Castaic Area CSD. As a part of the grading, vegetation was removed. However it met the requirement of Section 22.44.137.D.8.e in that the landslide area posed a hazard to persons or property and grading could not have been conducted without the removal of vegetation.

24. The Commission finds that emergency remedial grading to repair and reinforce the landslide area was required as a result of the unanticipated massive failure of the landslide area during approved grading for the development of the industrial business park located on PM 60030. If left alone, additional damage to the slope and significant ridgeline would have likely occurred. The landslide area is separated from other development on all sides by rugged terrain and steep hillsides. A residential subdivision is located west of the landslide grading area; however, the subdivision is separated from the emergency grading activities by steep sloping hillsides. With implementation of the mitigation measures in the Mitigated Negative Declaration for PM 60030, the surrounding areas were not negatively affected by any noise generated by the emergency landslide grading. The cut and fill from the landslide grading was balanced on PM 60030, avoiding the need for a haul route.
The emergency remedial grading occurred over a short period of time, approximately three months. After grading was completed, the affected slopes were revegetated. The grading and engineering for the emergency remedial grading ensured public safety by repairing and stabilizing the existing slopes to prevent further failure of the landslide area. The landslide project employed contour grading techniques to smoothly transition manufactured slopes back into the natural contours of adjacent undisturbed areas. Therefore, the requested use at the proposed site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

25. The Commission finds that the Project Site is adequate in size to accommodate the Project. It is located at the western terminus of Witherspoon Parkway. The emergency remedial grading of the landslide area did not consist of the construction of structures or buildings. The Project repaired and stabilized a landslide area. Accordingly, no yards, walls, fences, parking, loading facilities, landscaping or other development features were required as a part of the grading.

26. The Commission finds that the Project Site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic that such use would generate, and by other public or private service facilities as required. The Project Site is located at the western terminus of Witherspoon Parkway. Witherspoon Parkway is an improved east-west secondary highway, which runs through the industrial business park.

27. The Commission finds that the emergency remedial grading was required as a result of the unanticipated massive failure of the landslide area during approved grading for the development of the industrial business park. If left alone, additional damage to the slope and significant ridgeline would have likely occurred. In light of the forecasted El Nino rains of 2015-2016, it was necessary to conduct the emergency remedial grading in order to repair and reinforce the landslide area and prevent catastrophic landslide. Therefore, there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

28. The Commission finds that mass grading had already occurred on PM 60030. However, a backcut failed during the removal of a known landslide area during mass grading for PM 60030. The failure spread to a portion of the 41.35 acre area of the conservation easement adjoining PM 60030. Emergency remedial grading was authorized by the property owner, Sterling Gateway L.P., and grantee of the recorded conservation easement, Mountains Resource and Conservation Authority. The emergency remedial grading allowed the applicant to continue with and complete construction of the development of the industrial business park adjacent to the landslide area, as well as ensuring the safety and well-being of the surrounding
community by repairing and stabilizing the slope to protect against further slope failures or landslides in the landslide grading area. Therefore, such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.

29. The Commission finds that if the landslide area had been left alone, additional damage to the slope and significant ridgeline would have likely occurred, particularly due to the forecasted El Nino rains of 2015-2016. The emergency remedial grading was necessary to prevent further slope failure and a catastrophic landslide. Therefore, the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

30. The Commission finds that the Project is a single-time occurrence and therefore a grant term is not necessary.

31. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Castaic Library. On May 18, 2017, a total of 436 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 26 notices to those on the courtesy mailing list for the Newhall Zoned District and to any additional interested parties.

32. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

A. Regarding the Conditional Use Permit, the proposed use with the attached conditions will be consistent with the adopted General Plan.

B. Regarding the Conditional Use Permit, the action at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
C. Regarding the Conditional Use Permit, the action at the site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

D. Regarding the Conditional Use Permit, the action at the site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

E. Regarding the Variance, there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

F. Regarding the Variance, such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.

G. Regarding the Variance, the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15269(c) of the State CEQA Guidelines (Emergency Projects); and

2. Approves Conditional Use Permit No. 201500127 and Variance No. 201500002, subject to the attached conditions.

ACTION DATE: June 28, 2017

SD:TH
6/14/17

c: Zoning Enforcement, Building and Safety
DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 03-238-(5)
CONDITIONAL USE PERMIT NO. 201500127
VARIANCE NO. 201500002

PROJECT DESCRIPTION
The project is a request to retroactively authorize emergency remedial offsite and onsite grading to stabilize a landslide area and grading of a significant ridgeline due to a slope failure subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,
including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee’s counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued development of PM 60030 and satisfaction of Condition No. 2 shall be considered use of this grant.

9. The subject property shall be 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 permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of $200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee’s compliance with the conditions of approval. The fund provides for one (1) inspection.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially
responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public
hearing, three (3) copies of a modified Exhibit “A” shall be submitted to Regional Planning by August 28, 2017.

17. In the event that subsequent revisions to the approved Exhibit “A” are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit “A”. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

18. This grant shall retroactively authorize the remedial work consisting of onsite grading of the southern area of the project approved through CUP 03-238, offsite grading on APN 3271-005-032, grading of a significant ridgeline, and revegetation to stabilize and repair a landslide area due to a slope failure.

19. All disturbed areas are to be provided with adequate water disposal systems and vegetative cover, or to be otherwise protected, to control erosion and sediment.

20. Establish a maintenance plan to include periodic inspections for additional movement, failure of water disposal systems, vegetation, and other problems. The water disposal system, subsurface drainage system, access roads, and vegetative cover are to be maintained to accomplish their intended purposes. Necessary maintenance and repair activities are to be initiated promptly.

21. Additional vegetation of the California sagebrush scrub (*Artemesisia californica*) and purple sage (*Salvia leucophylla*) species shall be planted in the impacted areas prior to the rainy season in order to promote optimal plant establishment and growth.

22. Payment verification and confirmation receipt by the Mountains Recreation Conservation Area (“MRCA”) for the purchase of additional native conservation areas to compensate for the disturbance of 6.4 acres of native vegetation within the conservation easement area shall be submitted by the applicant to the Department of Regional Planning.

23. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated March 9, 2017.

Attachment:
Public Works Department Letter dated March 9, 2017
March 9, 2017

TO: Samuel Dea
Zoning Permits North Section
Department of Regional Planning

Attention Thuy Hua

FROM: Matthew Dubiel
Land Development Division
Department of Public Works

PLAN NO. 201500127
PLAN TYPE: PERMITS AND REVIEWS
WORK CLASS: CUP
PROJECT NO. 03-238
ASSESSOR’S MAP BOOK NO. 3271, PAGE NO. 5, PARCEL NO. 32
UNINCORPORATED COUNTY COMMUNITY OF VAL VERDE

Thank you for the opportunity to review the zoning permit application and site plan for the emergency remedial off-site grading project. The project is located at the International Airport Center (IAC) Commerce Center. On May 2015, a massive slope failure occurred during approved grading for the IAC Commerce Center project. The applicant is applying for retroactive permits related to the repair and reinforcement of the landslide area.

☒ Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.

☐ Public Works has comments on the submitted documents, and therefore, a Public Hearing shall NOT be scheduled until the following comments have been addressed:

A. Grading

1. Submit a delta revision of the previously approved rough grading plans on PM # 60030 showing detailed engineering to include the landslide remediation for our final grading plan approval to the satisfaction of Public Works.
2. Upon completion of the remedial grading, revised grading plans must be submitted to Geotechnical and Materials Engineering Division for review and approval as requested in the August 18, 2015 review sheet.

For questions regarding grading comments, please contact Patricia Constanza at (626) 458-4921 or at pconstant@dpw.lacounty.gov.

If you have any questions or require additional information, please contact Max Rodriguez of Land Development Division at mrodriguez@dpw.lacounty.gov or (626) 458-6967.

MR:
Burden of Proof for Variance  
PM No. 60030  
Sterling Gateway Industrial PM 60030 Project

Background  

At the request of the Land Division Section of the Department of Regional Planning, the applicant is seeking an after-the-fact amendment to Conditional Use Permit No. 03-238-(5) and a variance from Castaic Area Community Standards District Code Section 22.44.137.D.6.b.i to retroactively approve emergency off-site grading within a significant ridgeline and its associated slope to repair and reinforce a landslide area just south of Parcel Map No. 60030 (IAC Commerce Center, formerly known as the Sterling Gateway Industrial Project) at the western terminus of Witherspoon Parkway between Del Valle Road and Avenue Penn in the northwest portion of Los Angeles County in an unincorporated area northwest of the City of Santa Clarita. The massive failure of the landslide area occurred during approved grading for the IAC Commerce Center project. The Mitigated Negative Declaration (MND) for the Project approved by the Regional Planning Commission in 2008 acknowledged grading for the Project would significantly alter the landform on the Project site, but indicated most of the major ridgelines should remain intact. In-May 2015, a backcut failed during the removal of a known landslide area (Landslide Qs-8) during mass grading for the Project. The emergency grading to repair and reinforce the landslide area has been and is being conducted on a portion of the 41.35-acre parcel (APN 3271-005-032) just south of PM 60030 and owned by Sterling Gateway, L.P., the prior owner of the land upon which the IAC Commerce Center is being constructed. The landslide area is within a significant ridgeline and within a conservation easement area owned by Sterling Gateway, L.P. and controlled by the Mountains Resource and Conservation Authority (MRECA), as the grantee of a recorded conservation easement serving as mitigation for the Project. Sterling Gateway, L.P., MRECA and the California Department of Fish and Wildlife (CDFW) have authorized the emergency grading to repair and reinforce the landslide area and protect the conservation easement area. The authorization letters are submitted concurrently with this application. With approval of the Department of Regional Planning and the Department of Public Works, the emergency grading has been conducted prior to approval of the requested CUP amendment and variance to prevent further catastrophic failure of the landslide area and to prevent damage to the IAC Commerce Center (PM 60030) and other properties surrounding the landslide area, particularly with the El Nino rains anticipated during the upcoming rainy season. The emergency grading has been conducted in accordance with a grading plan approved by the Department of Regional Planning and the Department of Public Works and the Geologic and Geotechnical In Grading Progress Reports from Allan E. Seward Engineering Geology, Inc., dated June 9, 2015, July 8, 2015 and August 7, 2015. The approved grading plan and the Progress Reports are submitted concurrently with this application.

The MND was prepared and approved for the Project in 2008. The MND concluded that certain potentially significant impacts of the Project would be less than significant with implementation of proposed mitigation measures in a Mitigation Monitoring Program (MMP). Identified potential impacts found less than significant with mitigation include Noise, Air Quality, Biota, Drainage and Grading, Oil Field Maintenance, Toxic Substances Control, Recycling of Debris Material, Roads and Highways, and Emergency Services.
The following findings of fact are required pursuant to Los Angeles County Zoning Code section 22.56.290, all of which are affirmatively proven:

A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and

The landslide project entails emergency grading to repair and reinforce a landslide area just south of Parcel Map No. 60030. The emergency grading was required as a result of the unanticipated massive failure of the landslide area during approved grading for the IAC Commerce Center project. If left alone, additional damage to the slope, a significant ridgeline, likely would occur. In light of the upcoming rainy season, beginning in October, and the increasing possibility of an El Nino weather pattern during this time, a variance is required to allow the applicant to repair and reinforce the landslide area to prevent further failure of the slope and to protect the surrounding area. At the end of Witherspoon Parkway just next to steep slopes, no other industrial-zoned properties in this area are subject to the threat posed by the landslide failure in the landslide grading area.

The landslide grading area is separated from other development on all sides by rugged terrain and steep hillsides. A residential subdivision is located west of the landslide grading area; however, the subdivision is separated from the emergency grading activities by steep sloping hillsides. With implementation of the mitigation measures in the MND for the Project, the surrounding areas would not be affected negatively by any noise generated by the emergency landslide grading.

The emergency grading to repair and reinforce the landslide area was necessary to protect public safety and welfare through ensuring additional slope failure would not occur. Only the landslide grading area would be repaired and stabilized. Accordingly, the landslide project involves special circumstances applicable only to the affected property. No changes to the underlying Project are proposed and the landslide project is limited only to repair and stabilization of the failed hillside. The affected area will be revegetated with native vegetation after completion of the landslide grading project.

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and

In 2008, the Regional Planning Commission approved land use entitlements, including Vesting Tentative Parcel Map PM 60030, for the Project, the IAC Commerce Center, formerly known as the Sterling Gateway Industrial Project. Mass grading already has occurred on the Project site. In May 2015, a backcut failed during the removal of a known landslide area (Landslide QIs-8) during mass grading for the Project. The failure spread to a portion of the 41.35-acre parcel (APN 3271-005-032) located just south of PM 60030 and owned by Sterling Gateway, L.P., the prior owner of the land upon which the IAC Commerce Center is being constructed. The
landslide area is within a significant ridgeline and within a conservation easement area owned by Sterling Gateway, L.P. and controlled by the Mountains Resource and Conservation Authority (MRCA), as the grantee of a recorded conservation easement serving as mitigation for the Project. Sterling Gateway, L.P., MRCA and the California Department of Fish and Wildlife (CDFW) have authorized the emergency grading to repair and reinforce the landslide area and protect the conservation easement area.

If left alone, additional damage to the slope, a significant ridgeline, likely would occur. In light of the upcoming rainy season, beginning in October, and the increasing possibility of an El Nino weather pattern during this time, the emergency grading is required to ensure further damage to the slope does not occur.

The landslide grading area is separated from other development on all sides by rugged terrain and steep hillsides. A residential subdivision is located west of the landslide grading area; however, the subdivision is separated from the emergency grading activities by steep sloping hillsides, and the grading area cannot be seen from the subdivision. With implementation of the mitigation measures in the MND for the Project, the surrounding areas would not be affected negatively by any noise generated by the emergency landslide grading.

While the landslide project would allow for the applicant to continue with and complete construction of the Project adjacent to the landslide grading area, the landslide project also will ensure the safety and well-being of the surrounding community, including the industrial development just east of the Project site. With approval of the Department of Regional Planning and the Department of Public Works, the emergency grading has been conducted prior to approval of the requested CUP amendment and variance to prevent further catastrophic failure of the landslide area and to prevent damage to the IAC Commerce Center (PM 60030) and other properties surrounding the landslide area, particularly with the El Nino rains anticipated during the upcoming rainy season. The proposed emergency grading protects public safety in the Project site as well as in the surrounding community from any further slope failures or landslides in the landslide grading area.

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

The landslide project entails emergency grading to repair and reinforce a landslide area just south of Parcel Map No. 60030. The emergency grading was required as a result of the unanticipated massive failure of the landslide area during approved grading for the IAC Commerce Center project. If left alone, additional damage to the slope, a significant ridgeline, likely would occur. In light of the upcoming rainy season, beginning in October, and the increasing possibility of an El Nino weather pattern during this time, a variance is required to allow the applicant to repair and reinforce the landslide area to prevent further failure of the slope and to protect the surrounding area. At the end of Witherspoon Parkway just next to steep slopes, no other industrial-zoned properties in this area are subject to the threat posed by the landslide failure in the landslide grading area.
The landslide grading area is separated from other development on all sides by rugged terrain and steep hillsides. A residential subdivision is located west of the landslide grading area; however, the subdivision is separated from the emergency grading activities by steep sloping hillsides, and the grading area cannot be seen from the subdivision. With implementation of the mitigation measures in the MND for the Project, the surrounding areas would not be affected negatively by any noise generated by the emergency landslide grading.

The cut and fill from the landslide grading will be balanced on the project site, avoiding the need for a haul route. The landslide project would incorporate mitigation measures from the Project's MMP to minimize potential short-term air quality and noise impacts caused by the landslide grading project.

The emergency landslide grading will occur over a short period of time, approximately three months. After grading is completed, the affected slopes will be revegetated with native vegetation. Accordingly, no effect on the valuation of surrounding properties would occur. Further, given the short term nature of the landslide project, the emergency landslide grading would not affect the use of surrounding properties nor the enjoyment of those residents in the surrounding area.
Burden of Proof for Conditional Use Permit
PM No. 60030
Sterling Gateway Industrial PM 60030 Project

Background

At the request of the Land Division Section of the Department of Regional Planning, the applicant is seeking an after-the-fact amendment to Conditional Use Permit No. 03-238-(5) and variance from Castaic Area Community Standards District Code Section 22.44.137.D.6.b.i to retroactively approve emergency off-site grading within a significant ridgeline and its associated slope to repair and reinforce a landslide area just south of Parcel Map No. 60030 (IAC Commerce Center, formerly known as the Sterling Gateway Industrial Project) at the western terminus of Witherspoon Parkway between Del Valle Road and Avenue Penn in the northwest portion of Los Angeles County in an unincorporated area northwest of the City of Santa Clarita. The massive failure of the landslide area occurred during approved grading for the IAC Commerce Center project. The Mitigated Negative Declaration (MND) for the Project approved by the Regional Planning Commission in 2008 acknowledged grading for the Project would significantly alter the landform on the Project site, but indicated most of the major ridgelines should remain intact. In May 2015, a backcut failed during the removal of a known landslide area (Landslide Qs-8) during mass grading for the Project. The emergency grading to repair and reinforce the landslide area has been and is being conducted on a portion of the 41.35-acre parcel (APN 3271-005-032) just south of PM 60030 and owned by Sterling Gateway, L.P., the prior owner of the land upon which the IAC Commerce Center is being constructed. The landslide area is within a significant ridgeline and within a conservation easement area owned by Sterling Gateway, L.P. and controlled by the Mountains Resource and Conservation Authority (MRCA), as the grantee of a recorded conservation easement serving as mitigation for the Project. Sterling Gateway, L.P., MRCA and the California Department of Fish and Wildlife (CDFW) have authorized the emergency grading to repair and reinforce the landslide area and protect the conservation easement area. The authorization letters are submitted concurrently with this application. With approval of the Department of Regional Planning and the Department of Public Works, the emergency grading has been conducted prior to approval of the requested CUP amendment and variance to prevent further catastrophic failure of the landslide area and to prevent damage to the IAC Commerce Center (PM 60030) and other properties surrounding the landslide area, particularly with the El Nino rains anticipated during the upcoming rainy season. The emergency grading has been conducted in accordance with a grading plan approved by the Department of Regional Planning and the Department of Public Works and the Geologic and Geotechnical In Grading Progress Reports from Allan E. Seward Engineering Geology, Inc., dated June 9, 2015, July 8, 2015 and August 7, 2015. The approved grading plan and the Progress Reports are submitted concurrently with this application.

A Mitigated Negative Declaration (MND) was prepared and approved for the Project in 2008. The MND concluded that certain potentially significant impacts of the Project would be less than significant with implementation of proposed mitigation measures in a Mitigation Monitoring Program (MMP). Identified potential impacts found less than significant with mitigation include Noise, Air Quality, Biota, Drainage and Grading, Oil Field Maintenance, Toxic Substances Control, Recycling of Debris Material, Roads and Highways, and Emergency Services.
The following findings of fact are required pursuant to Los Angeles County Zoning Code section 22.56.040, all of which are affirmatively proven:

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

In 2008, the Regional Planning Commission approved land use entitlements, including Vesting Tentative Parcel Map PM 60030, for the Project, the IAC Commerce Center, formerly known as the Sterling Gateway Industrial Project. Mass grading already has occurred on the Project site. In May 2015, a backcut failed during the removal of a known landslide area (Landslide Qls-8) during mass grading for the Project. The failure spread to a portion of the 41.35-acre parcel (APN 3271-005-032) located just south of PM 60030 and owned by Sterling Gateway, L.P., the prior owner of the land upon which the IAC Commerce Center is being constructed. The landslide area is within a significant ridgeline and within a conservation easement area owned by Sterling Gateway, L.P. and controlled by the Mountains Resource and Conservation Authority (MRCA), as the grantee of a recorded conservation easement serving as mitigation for the Project. Sterling Gateway, L.P., MRCA and the California Department of Fish and Wildlife (CDFW) have authorized the emergency grading to repair and reinforce the landslide area and protect the conservation easement area.

The landslide project entails emergency grading to repair and reinforce a landslide area just south of Parcel Map No. 60030. The emergency grading was required as a result of the unanticipated massive failure of the landslide area during approved grading for the IAC Commerce Center project. If left alone, additional damage to the slope, a significant ridgeline, likely would occur. In light of the upcoming rainy season, beginning in October, and the increasing possibility of an El Nino weather pattern during this time, a conditional use permit is required to allow the applicant to repair and reinforce the off-site landslide area to prevent further failure of the slope and to protect the surrounding area.

The landslide grading area is separated from other development on all sides by rugged terrain and steep hillsides. A residential subdivision is located west of the landslide grading area; however, the subdivision is separated from the emergency grading activities by steep sloping hillsides. With implementation of the mitigation measures in the MND for the Project, the surrounding areas would not be affected negatively by any noise generated by the emergency landslide grading.
The cut and fill from the landslide grading will be balanced on the project site, avoiding the need for a haul route. The landslide project would incorporate mitigation measures from the Project’s MMP to minimize potential short-term air quality and noise impacts caused by the landslide grading project.

The emergency landslide grading will occur over a short period of time, approximately three months. After grading is completed, the affected slopes will be revegetated with native vegetation. Accordingly, no effect on the valuation of surrounding properties would occur. Further, given the short term nature of the landslide project, the emergency landslide grading would not affect the use of surrounding properties nor the enjoyment of those residents in the surrounding area.

The proposed grading and engineering for the landslide project would ensure public safety in the project’s execution. The landslide grading, located in areas characterized by unstable geologic conditions, would repair and stabilize the existing slopes to prevent further failure of the landslide area. The landslide grading would lower the height of the pre-failure significant ridgeline and would create a smoother slope toward the north. Implementation of the recommendations contained in the geotechnical reports and compliance with the Los Angeles County Building Code would reduce slope stability impacts to a less than significant level. The landslide project would employ contour grading techniques to smoothly transition manufactured slopes back into the natural contours of adjacent undisturbed areas.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

IAC Commerce Center is located at the western terminus of Witherspoon Parkway. Witherspoon Parkway is an improved east-west secondary highway, which runs through the IAC Commerce Center project in the community of Castaic. The landslide project entails emergency grading of an off-site ridgeline, which failed during approved grading for the IAC Commerce Center project. The landslide project is not associated with the construction of structures or buildings. The emergency grading would repair and stabilize the off-site slope and landslide area. Accordingly, no yards, wall, fences, parking, loading facilities, landscaping or other development features are required or impacted as part of the landslide project.
C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and

2. By other public or private service facilities as are required.

IAC Commerce Center is located at the western terminus of Witherspoon Parkway. Witherspoon Parkway is an improved east-west secondary highway, which runs through the Commerce Center project in the community of Castaic. The landslide project entails emergency grading of an off-site ridgeline, which failed during approved grading for the IAC Commerce Center project. It is not associated with construction of structures or buildings. The emergency grading would repair and stabilize the off-site slope and landslide area. Accordingly, the landslide project would not impact traffic or circulation above that approved for the Project and would not require public or private service facilities above that approved for the Project.

The cut and fill from the landslide grading will be balanced on the project site, avoiding the need for a haul route. The landslide project would incorporate mitigation measures from the Project’s MMP to minimize potential short-term air quality and noise impacts caused by the landslide grading project.
Project No. 03-238 / CUP No. 201500127 / Variance No.

Land Use Policy Map

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