

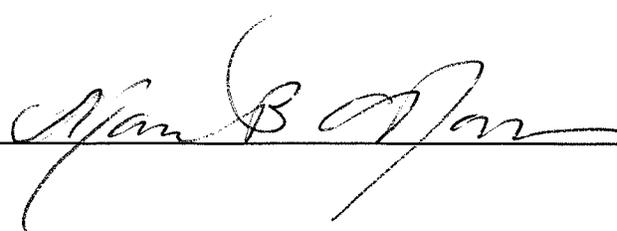
Hearing Officer Transmittal Checklist

Hearing Date
4/6/2010

Agenda Item Number
8

Project Number: 87527-(3)
Case(s): Minor Modification to Conditional Use Permit No. 87527
Contact Person: Tyler Montgomery, Zoning Permits II

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Findings & Conditions of Approval

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NO. 87-527-(3)
MINOR MODIFICATION TO
CONDITIONAL USE PERMIT NO. 87527

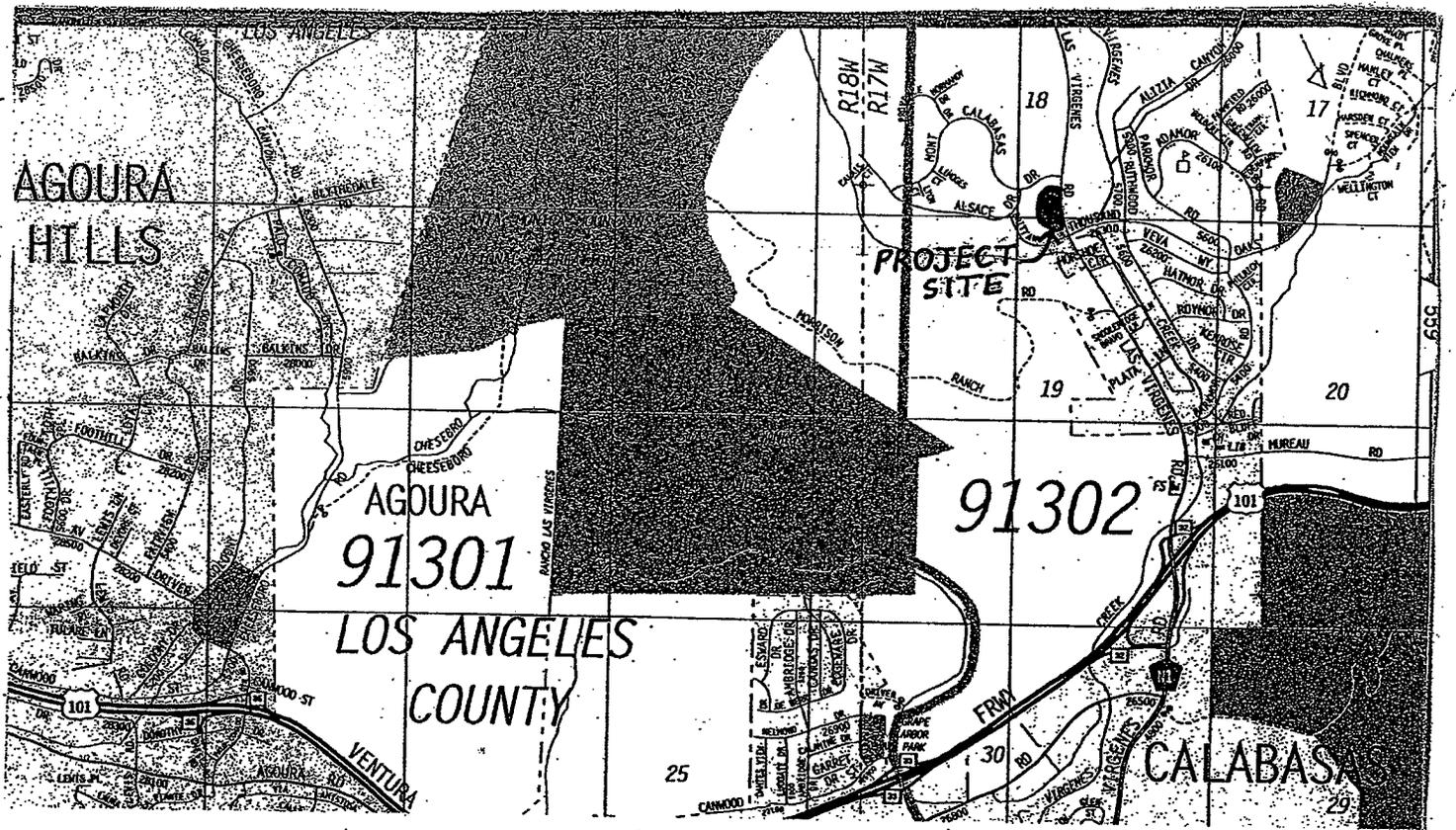
HO MEETING DATE March 15, 2010	CONTINUE TO April 6, 2010
AGENDA ITEM 8	
PUBLIC HEARING DATE N/A	

APPLICANT De Anza Properties		OWNER De Anza Properties		REPRESENTATIVE Sikand Engineering	
REQUEST <i>Conditional Use Permit.</i> To modify condition number nine (9) of Conditional Use Permit (CUP) 87527, which permitted the construction of a neighborhood commercial center and 110 single-family residences. The CUP was originally approved by the Board of Supervisors on January 17, 1995.					
LOCATION/ADDRESS West side of Las Virgenes Road, between Brittany Court and Mont Calabasas Drive, unincorporated Calabasas.			ZONED DISTRICT The Malibu		
ACCESS Las Virgenes Road, from the east.			COMMUNITY Santa Monica Mountains North Area		
			EXISTING ZONING C-2-DP (Neighborhood Business, Development Program)		
SIZE 5 acres		EXISTING LAND USE Vacant land		SHAPE Irregular	TOPOGRAPHY Slightly sloping
SURROUNDING LAND USES & ZONING North: Vacant land—O-S (Open Space)			East: Multi-family residences—City of Calabasas		
South: Vacant land, Shopping center—O-S (Open Space); City of Calabasas			West: Single-family residences—R-1-1 (Single-family Residence, 1-acre minimum lot size)		
GENERAL PLAN Santa Monica Mountains North Area Plan		DESIGNATION C (Commercial)		MAXIMUM DENSITY N/A	CONSISTENCY See Staff Analysis
ENVIRONMENTAL STATUS Addendum to Environmental Impact Report, originally approved January 17, 1995 (see attached).					
DESCRIPTION OF MODIFICATION The purpose of the requested condition modification is to achieve consistency with the development requirements of the City of Calabasas, which is currently proposing to annex the project site. The proposed conditions also intend to implement a design that achieves aesthetic harmony with the adjacent hillside residences of Mont Calabasas and to set standards for improvement of an on-site trail easement connecting to the Santa Monica Mountains National Recreation Area.					
KEY ISSUES <ul style="list-style-type: none"> Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements. 					

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON					
RPC HEARING DATE(S)		RPC ACTION DATE		RPC RECOMMENDATION	
MEMBERS VOTING AYE		MEMBERS VOTING NO		MEMBERS ABSTAINING	
STAFF RECOMMENDATION (PRIOR TO HEARING)					
SPEAKERS* (O) (F)		PETITIONS (O) (F)		LETTERS (O) (F)	

*(O) = Opponents (F) = In Favor





Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 25, 2010

TO: Alejandro Garcia
Hearing Officer

FROM: Tyler Montgomery *SM*
Regional Planning Assistant II
Zoning Permits II Section

**SUBJECT: PROJECT NO. 87527-(3)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT 87527
April 6, 2010 Discussion & Possible Action
Agenda Item No. 8**

The applicant, De Anza Properties, has requested to modify a condition of approval to previously approved Conditional Use Permit (CUP) 87517. The Board of Supervisors approved this Conditional Use Permit on January 17, 1995. The action authorized the construction of a commercial center and 110 single-family residences—a development known as Mont Calabasas—located west of Las Virgenes Road in The Malibu Zoned District of Los Angeles County. The subject property is located on the west side of Las Virgenes Road, between Brittany Court and Mont Calabasas Drive, unincorporated Calabasas.

The purpose of the requested condition modification is to achieve consistency with the development requirements of the City of Calabasas, which is currently proposing to annex the project site. The proposed conditions also intend to implement a design that achieves aesthetic harmony with the adjacent hillside residences of Mont Calabasas and to set standards for improvement of an on-site trail easement connecting to the Santa Monica Mountains National Recreation Area.

The applicant proposes modifying condition number nine (9) of CUP 87527. The condition, **as currently approved**, reads as follows:

"This grant allows the development of 110 single family residential lots, and a neighborhood shopping center in substantial conformance with Exhibit 'A' of this permit request as displayed at the December 1, 1993 public hearing before the Regional Planning Commission, which Exhibit 'A' is on file at the Department of Regional Planning."

With the requested modification, condition number nine (9) would read as follows:

This grant allows the development of 110 single family residential lots, and a neighboring shopping center in substantial conformance with Exhibit 'A' of this permit request as displayed at the December 1, 1993 public hearing before the Regional Planning Commission, which Exhibit 'A' is on file at the Department of Regional Planning. The following conditions shall apply to the shopping center:

- a. As agreed by the permittee, the proposed project shall provide an electric vehicle recharging station facility, ridesharing and public transportation for tenants as part of occupancy move-in materials, preferential parking facilities, shower and locker facilities, a "Transportation Information Center," and a transit stop, all of which shall meet the requirements of the City of Calabasas;*
- b. The project shall be required to achieve at least a Silver LEED rating prior to the issuance of any final certificate of occupancy;*
- c. In addition to applicable county standards, as agreed by the permittee, the project shall comply with all lighting standards identified in the City of Calabasas Municipal Code in effect at the time of building permit application;*
- d. In addition to applicable county standards, as agreed by the permittee, all signage shall comply with all signage standards identified in the City of Calabasas Municipal Code in effect at the time of sign permit application, and a sign program consistent with City of Calabasas requirements shall be required prior to the issuance of any sign permits;*
- e. All applicable additional fees required by the applicable local jurisdiction shall be paid by the permittee in conjunction with the building permit application process;*
- f. All applicable building & safety policies of the applicable local jurisdiction shall be followed at the time of submittal of building permit submittal;*
- g. All applicable policies of the applicable jurisdiction shall be followed at the time of submittal of any building, grading or other similar permit application;*
- h. As agreed by the permittee: The permittee shall be responsible for constructing and completing alterations to the existing median on Las Virgenes Road that result from the project, including re-landscaping the median, prior to the issuance of any certificate of occupancy. Such landscaping shall be harmonious with the landscaping of the commercial center, compatible with the existing median to the north, and shall be in accordance with a landscape plan that is reviewed and approved by the Department of Regional Planning and the landscape manager for the City of Calabasas. The permittee shall be responsible for fees or payments for the water necessary to irrigate the landscape in such median. The City of Calabasas acknowledges that the City shall be responsible for maintenance of the median;*
- i. In addition to applicable county requirements, as agreed by the permittee, the project shall meet all applicable requirements related to storm water and urban runoff pollution prevention control and solid waste recyclable materials*

- in the City of Calabasas Municipal Code in effect at the time of grading or building permit application, whichever comes first;*
- j. As agreed by the permittee, the project shall be in substantial conformance with the site plans approved by the City of Calabasas Development Review Committee ("DRC") dated May 19, 2009 (with a revision date of June 24, 2009), and attached hereto as Exhibit "B," and the landscape plans dated July 24, 2008, and attached hereto as Exhibit "C." Any changes to these site plans that are specifically required by the addition of the items listed in Condition 9a will not cause the final plans to be considered out of substantial conformance with Exhibits "B" and "C";*
 - k. A riding and hiking trail shall be constructed by the permittee along the existing trail easement on the east side of the commercial project site. The trail shall meet all accessibility requirements of the National Park Service and shall be constructed of decomposed granite and incorporate signage consistent with National Park Service standards. The trail shall remain permanently open to the public with the exception of minimal closures during construction activities.*
 - l. As agreed by the permittee, the permittee shall pay the Mont Calabasas Homeowners Association \$1,000 per month in perpetuity for the purpose of reimbursing the Association for costs it incurs to maintain the landscaping on the slope between the community and the commercial property. Said monthly payments shall commence within 30 days of the issuance of any building permit on the subject property.*
 - m. As agreed by the permittee, the permittee shall provide a one-time payment to the Mont Calabasas Homeowners Association in the amount of \$25,000 for the purpose of installing permanent security enhancements to both the front and back entrances to the Mont Calabasas community. Said payment shall be made within 30 days after the issuance of any building permit on the subject property.*

As required by Section 22.56.1620 of the County Code, notices of request for a minor modification were mailed to all property owners within the 500-foot radius and other interested parties on February 24, 2010. The notice was also published in the *Malibu Times* on March 4, 2010 and posted at the project site for at least 30 days.

According to Section 22.56.1630 of the County Code, "The hearing officer shall approve an application to modify or eliminate any condition(s) of a previously approved conditional use permit only upon a finding by the hearing officer that (1) not more than one protest to the granting of the application is received within the specified protest period; and (2) the information submitted by the applicant substantiates the following findings:

1. That the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040,
2. That approval of the application will not substantially alter or materially deviate from

the terms and conditions imposed in the granting of the previously approved conditional use permit, and

3. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.”

Staff has received one phone call from an area resident objecting to the proposed modification due to a concern for increased traffic on Las Virgenes Road. Staff has also received two (2) letters of support for the project from the Las Virgenes Homeowners Federation and the attorney representing the Mont Calabasas Homeowners Association, respectively (attached). Because fewer than two (2) objections were received, the hearing officer has the discretion to approve the requested modification.

Staff believes that the burden of proof for a minor modification is met by the project, as it will provide a more aesthetically pleasing commercial center than that which was originally approved in 1995. The modification will also allow the project to the development standards of the City of Calabasas, which seeks to annex the property in the near future. The center would incorporate LEED Silver building standards, which better conforms to the General Plan goal of energy efficiency. Finally, it would provide more mitigation measures to potential impacts on area residents than the originally approved project.

Due to the aforementioned factors, staff recommends that the hearing officer certify that the EIR Addendum has been completed in compliance with CEQA and **APPROVE** the Minor Modification to Conditional Use Permit No. 87527.

Attachments:

Draft Findings & Modified Condition of Approval No. 9

EIR Addendum

Applicant's Burden of Proof statement

3/5/10 Letter from Las Virgenes Homeowners Federation

3/5/10 Letter from attorney representing Mont Calabasas Homeowners Association

Original Findings & Conditions of Approval for 87527

03/25/10

MM:TM

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: Minor modification to conditions of approval to previously approved Conditional Use Permit No. 87527. If approved, the requested modification to Condition No. Nine (9) would read as follows:

This grant allows the development of 110 single family residential lots, and a neighboring shopping center in substantial conformance with Exhibit 'A' of this permit request as displayed at the December 1, 1993 public hearing before the Regional Planning Commission, which Exhibit 'A' is on file at the Department of Regional Planning. The following conditions shall apply to the shopping center:

- a. *As agreed by the permittee, the proposed project shall provide an electric vehicle recharging station facility, ridesharing and public transportation for tenants as part of occupancy move-in materials, preferential parking facilities, shower and locker facilities, a "Transportation Information Center," and a transit stop, all of which shall meet the requirements of the City of Calabasas;*
- b. *The project shall be required to achieve at least a Silver LEED rating prior to the issuance of any final certificate of occupancy;*
- c. *In addition to applicable county standards, as agreed by the permittee, the project shall comply with all lighting standards identified in the City of Calabasas Municipal Code in effect at the time of building permit application;*
- d. *In addition to applicable county standards, as agreed by the permittee, all signage shall comply with all signage standards identified in the City of Calabasas Municipal Code in effect at the time of sign permit application, and a sign program consistent with City of Calabasas requirements shall be required prior to the issuance of any sign permits;*
- e. *All applicable additional fees required by the applicable local jurisdiction shall be paid by the permittee in conjunction with the building permit application process;*
- f. *All applicable building & safety policies of the applicable local jurisdiction shall be followed at the time of submittal of building permit submittal;*
- g. *All applicable policies of the applicable jurisdiction shall be followed at the time of submittal of any building, grading or other similar permit application;*
- h. *As agreed by the permittee: The permittee shall be responsible for constructing and completing alterations to the existing median on Las Virgenes Road that result from the project, including re-landscaping the median, prior to the issuance of any certificate of occupancy. Such landscaping shall be harmonious with the landscaping of the commercial center, compatible with the existing median to the north, and shall be in accordance with a landscape plan that is reviewed and approved by the Department of Regional Planning and the landscape manager for the City of Calabasas. The permittee shall be responsible for fees or payments for the water necessary to irrigate the landscape in such median. The City of Calabasas acknowledges that the City shall be responsible for maintenance of the median;*

- i. In addition to applicable county requirements, as agreed by the permittee, the project shall meet all applicable requirements related to storm water and urban runoff pollution prevention control and solid waste recyclable materials in the City of Calabasas Municipal Code in effect at the time of grading or building permit application, whichever comes first;*
- j. As agreed by the permittee, the project shall be in substantial conformance with the site plans approved by the City of Calabasas Development Review Committee ("DRC") dated May 19, 2009 (with a revision date of June 24, 2009), and attached hereto as Exhibit "B," and the landscape plans dated July 24, 2008, and attached hereto as Exhibit "C." Any changes to these site plans that are specifically required by the addition of the items listed in Condition 9a will not cause the final plans to be considered out of substantial conformance with Exhibits "B" and "C";*
- k. A riding and hiking trail shall be constructed by the permittee along the existing trail easement on the east side of the commercial project site. The trail shall meet all accessibility requirements of the National Park Service and shall be constructed of decomposed granite and incorporate signage consistent with National Park Service standards. The trail shall remain permanently open to the public with the exception of minimal closures during construction activities.*
- l. As agreed by the permittee, the permittee shall pay the Association \$1,000 per month in perpetuity for the purpose of reimbursing the Association for costs it incurs to maintain the landscaping on the slope between the community and the commercial property. Said monthly payments shall commence within 30 days of the issuance of any building permit on the subject property.*
- m. As agreed by the permittee, the permittee shall provide a one-time payment to the Mont Calabasas Homeowners Association in the amount of \$25,000 for the purpose of installing permanent security enhancements to both the front and back entrances to the Mont Calabasas community. Said payment shall be made within 30 days after the issuance of any building permit on the subject property.*

FACTUAL SUMMARY:

Findings

1. The applicant, De Anza Properties, has requested a minor modification to the conditions of approval for Conditional Use Permit No. 87527-(3), to mandate design standards that are consistent with the City of Calabasas, which is currently attempting to annex the subject property.
2. The project was originally approved on January 17, 1995 by the Board of Supervisors to authorize the construction, operation, and maintenance of a

commercial center and 110 single-family residences.

3. Zoning on the subject property is C-2-DP (Neighborhood Business, Development Program).
4. Pursuant to Section 22.56.1630 of the County Code, if more than one protest to the request for a minor modification to a conditional use permit is not received during the appeal period the Hearing Officer may approve the request.
5. An addendum to the Environmental Impact Report (EIR), originally adopted by the Los Angeles County Board of Supervisors on January 7, 1995, is the appropriate environmental document, as only minor technical changes are proposed, in compliance with CEQA guidelines Section 15164(b) and 15162.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE MINOR MODIFICATION OF THE CONDITIONAL USE PERMIT:

- A. That not more than one protest to the granting of the application was received within the specified protest period;
- B. That the burden of proof for the conditional use permit as modified has been satisfied as required by Los Angeles County Code Section 22.56.040;
- C. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and
- D. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a minor modification to a conditional use permit as set forth in Section 22.56.1630, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer indicates that he has read and considered the EIR and Addendum prepared for the project and certifies that the Addendum has been completed in compliance with the California Environmental Quality Act and State and County guidelines related thereto; and

**MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 87527
DRAFT FINDINGS**

Page 4 of 4

2. In view of the findings of facts presented above, the requested Minor Modification to Conditional Use Permit 87527 is **APPROVED**.

Attachments: Original Findings & Conditions of Approval for CUP 87527

c: Zoning Enforcement, Building and Safety

ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT FOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 87527

Conditional Use Permit No. 87527 was approved by the Board of Supervisors on January 17, 1995. The conditional use permit allowed the construction of a neighborhood shopping center and 110 single-family residences. The requested modification would pertain only to the proposed shopping center site. The subject property is located within The Malibu Zoned District of Los Angeles County, west of Las Virgenes Road between Brittany Court and Mont Calabasas Drive.

The purpose of the requested condition modification is to achieve consistency with the development requirements of the City of Calabasas, which is currently proposing to annex the project site. The proposed conditions also intend to implement a design that achieves aesthetic harmony with the adjacent hillside residences of Mont Calabasas and to set standards for improvement of an on-site trail easement connecting to the Santa Monica Mountains National Recreation Area.

The applicant has stated that the above modifications are necessary, as failing to implement them could create opposition from local homeowners' associations and possibly create nonconformance issues if and when the property is annexed into the City of Calabasas.

Staff is in support of the modification request, as it would mandate the permittee to provide amenities beyond those that are required by the current CUP 87527, which was approved in 1995.

ADDENDUM TO FINAL EIR FOR CONDITIONAL USE PERMIT 87527-(3)

Section 15164 of the California Environmental Quality Act authorizes Lead Agencies to prepare an Addendum to a previously certified Environmental Impact Report if changes or additions to the document are necessary but and none of the conditions described in Section 15162 are present. Staff of the Department of Regional Planning has determined that none of the conditions described in Section 15162 are present. The addition of design criteria to the proposed shopping center will not constitute a substantial increase in the severity of previously identified impacts and will not increase existing levels of traffic. No new environmental effects have been identified with regard to the design standards. No new information pertaining to the subject property or the environmental impacts of the existing development has been discovered during the preparation of this Addendum.

Therefore, the Addendum to the previously adopted Environmental Impact Report adopted on January 17, 1995, which is available for inspection upon request, provides adequate environmental analysis for the project as currently amended.

MINOR MODIFICATION

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

- A. That the requested use at the location proposed will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed minor modification to an existing CUP is being requested in order to allow an additional 5,000 square feet over and above what was approved previously. The increase in square footage will not significantly impact subject site or adversely affect the surrounding area. The proposed design is superior than what was approved previously.

- 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.

The site is of satisfactory acreage to accommodate the increase in square footage. There is adequate onsite parking available to handle the additional 5,000 sf.

- 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

The subject site is adjacent Los Virgenes Road at 120 Roadway. In addition it is within close proximity to the freeway (Route 101).



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



EXECUTIVE COMMITTEE

President
Kim Lamorie

Vice President
Craig Overlock

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Jess Thomas
Steve Hess
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Calabasas View

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Cold Creek

Deer Springs

Fountainwood

Liberty Canyon

Malibu Canyon

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Malibu Lakeside

Mira Monte

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Morrison Ranch Estates

Greater Mulwood

Old Agoura

Old Topanga

Saddle Peak

Saratoga Hills

Seminole Springs

TASC

Triunfo Lobo Community Association

Wagon Road Ranchos

March 5, 2010

Director of Planning
Los Angeles County Dept. of Regional Planning
320 West Temple Street, Room 1346
Los Angeles, CA 90012
Attn: Tyler Montgomery

Re: Commercial Development Adjacent to Mont Calabasas Community
Modification to Conditions of Approval for CUP 87527

Dear Mr. Montgomery,

The Las Virgenes Homeowners Federation is in full support of the position taken by one of our members, the Mont Calabasas Homeowner's Association, with regard to the proposed request by the applicant to modify the conditions of approval for CUP 87527.

As you may know, the Las Virgenes Homeowners Federation works on behalf of its members to act as a voice of the area in community matters and to provide a means of bringing legitimate grievances to the attention of the appropriate individuals, organizations or governing bodies.

Over the past three and a half years, delegates from the Mont Calabasas Homeowner's Association have kept us apprised of the numerous issues surrounding the commercial development that is proposed for the parcel adjacent to the Mont Calabasas community. We share its concerns regarding the significant impact the commercial center could have on the upper Las Virgenes area overall, and more specifically, the Mont Calabasas Community, which is immediately adjacent to the project. As you are aware, the project site is also located in an area designated as a scenic corridor. As such, it is extremely important that any type of development is sensitive to that designation as well.

The Federation agrees with the Mont Calabasas Association that any project on the commercial site should be a quality, environmentally friendly project sensitive to the adjacent uses of Mont Calabasas. We support including all of the conditions the Mont Calabasas Homeowner's Association recommends, should the Hearing Officer approve the applicant's modification request.

Sincerely,

Kim Lamorie
President

cc: Supervisor Zev Yaroslavsky
Deputy Ben Saltsman
Maureen Tamuri, City of Calabasas

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
NANCI SESSIONS-STACEY
KIMBERLY A. RIBLE
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LAW OFFICES OF
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16633 VENTURA BOULEVARD, SUITE 1220
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200
FACSIMILE (818) 933-0222
INTERNET: WWW.GAINESLAW.COM

March 5, 2010

ORIGINAL SENT BY U.S. MAIL

VIA FACSIMILE (213) 626-0434

Director of Planning
Los Angeles County Dept. of Regional Planning
320 West Temple Street, Room 1346
Los Angeles, CA 90012
Attn: Tyler Montgomery

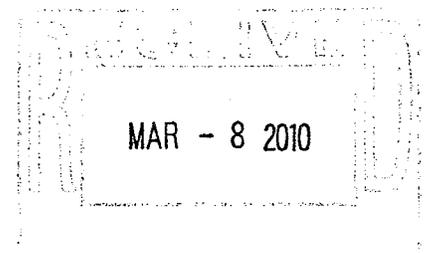
Re: Mont Calabasas Commercial Center
Modification to Conditions of Approval for CUP 87527
Regional Planning Commission Hearing on April 6, 2010

Dear Mr. Montgomery:

As you know, this law office represents the Mont Calabasas Homeowners Association (the "Association") with regard to the commercial development contemplated in the application referenced above (the "Application"). The project has been the matter of significant public controversy, and the Association would like to see a quality project at the commercial site that is sensitive to the adjacent uses of Mont Calabasas. The Association believes that the community as a whole would benefit from the project meeting the development standards of the City of Calabasas, and appreciates the developer's work with the City on this project.

Please be advised that as a result of the Applicant's efforts at working with the Association and the community as a whole, with the assistance of Supervisor Zev Yaroslavsky's office, the Applicant and the Association have reached an agreement as to the acceptable conditions of approval for the Applicant's request. As such, with the adoption of the proposed conditions enumerated in the County's Notice of Request for Modification to the Conditions of Approval for Conditional Use Permit (Condition No. 9(a) through (m)), received by this office on February 26, 2010, a true and correct copy of which is enclosed, the Association is not opposed to the County's approval of the Applicant's request.

G&S1583-001



Director of Planning
March 5, 2010
Page 2

Should the Hearing Officer be inclined to approve the applicant's Request for Modification, the Association respectfully urges that it include these conditions of approval, which again, have been mutually agreed upon by the Applicant and the Association.

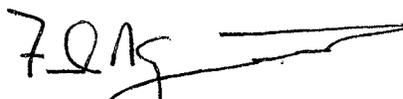
For the sake of clarity and consistency, the Association requests a minor amendment to Condition No. 9(l). The Association requests that the references in this condition to "the Association" be changed to "the Mont Calabasas Homeowners Association."

As the stated purpose of the requested condition modification is to achieve consistency with the development requirements of the City of Calabasas, which is currently proposing to annex the project site, it is essential that the proposed conditions be included in any approval of the applicant's request. However, the Association understands, and bases its non-opposition to the project on its understanding, that any revised conditions of approval adopted by the County as a result of the instant application will be required of the project, regardless of whether the annexation ultimately occurs.

Thank you for your attention to this matter. We look forward to the upcoming Hearing Officer meeting. We note that the project currently appears on the March 16, 2010 Hearing Officer meeting agenda. However, we understand that the site has not been properly posted with notice of the hearing for 30 days. As such, we understand that the project will be continued until the April 6, 2010 Hearing Officer meeting. Please advise this office immediately if this is not the case. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By 
FRED GAINES

cc: Supervisor Zev Yaroslavsky
Deputy Ben Saltsman
Maureen Tamuri, City of Calabasas



COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

TELEPHONE

(213) 974-1823
TELECOPIER

(213) 617-7182

DE WITT W. CLINTON, COUNTY COUNSEL

January 4, 1995

Syn. No. 49
9/13/94

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Re: **CONDITIONAL USE PERMIT NUMBER 87-527(3)**
OAK TREE PERMIT NUMBER 87-527(3)
THIRD SUPERVISORIAL DISTRICT/3-VOTE MATTER

Dear Supervisors:

Your Board recently conducted a hearing on an appeal relating to the approval of the above-entitled zoning permits which propose development of 110 single family residences and removal of 135 oak trees in the Malibu Zoned District.

At the conclusion of the hearing, you rendered a preliminary order to approve the permits with revised conditions and instructed this office to prepare findings and conditions for final action. Such findings and conditions are attached hereto. The conditions incorporate the measures specified by your Board at the hearing. Additionally, the condition relating to school facility mitigation has been modified because the version mistakenly included in your Board's hearing materials was inconsistent with the Planning Commission's findings and the project Environmental Impact Report.

Very truly yours,

DE WITT W. CLINTON
County Counsel

By: *Richard D. Weiss*
RICHARD D. WEISS
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:

[Signature]
DE WITT W. CLINTON
County Counsel

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RW:rw

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 87-527(3)
OAK TREE PERMIT NUMBER 87-527(3)**

1. The approximately 494-acre project site is located in the unincorporated territory of the County of Los Angeles, near the communities of Calabasas, Agoura Hills and Hidden Hills and is adjacent to Las Virgenes Road and approximately one-half mile north of the Ventura Freeway (the "Project Site").
2. Lands to the north of the Project Site are currently undeveloped and privately owned (Ahmanson properties) within Ventura County. These Ventura County properties are the subject of a major residential and commercial development project in the planning stages which is discussed in detail in the Draft Environmental Impact Report (DEIR) for the project. This project, the Ahmanson Ranch development, received various legislative approvals from the Ventura County Board of Supervisors in late 1992. Approval of that project is the subject of pending litigation.
3. To the south of the Project Site, behind a predominant ridgeline, is the approximately 416-acre parcel on which the Los Angeles County Sanitation Districts operate the Calabasas Landfill. The landfill currently accepts residential, commercial and municipal waste products and is expected to remain operational for the next 20 to 25 years. Prior to July, 1980, the landfill accepted non-radioactive hazardous wastes.
4. Easterly of Las Virgenes Road and north of the Ventura Freeway are residential developments. These developments include (i) approximately 470 single family detached homes constructed opposite the Project Site on the eastern flank of Las Virgenes Canyon in the 1960's, (ii) 1,000 multi-family dwellings along the canyon floor constructed in 1978 to 1988, and (iii) 34 multi-family dwellings currently under construction. The gross density of multi-family dwelling units constructed adjacent to Las Virgenes Road is approximately 13.6 dwelling units per acre.

5. Adjacent to the Project Site to the west are approximately 2,148 acres of undeveloped property, which is a part of the National Park Service, Santa Monica Mountains National Recreation Area. While the County and the National Park Service are currently seeking to increase holdings of public open space in the area, County, State and Federal funding is inadequate to facilitate desired acquisition of additional parcels within the foreseeable future. The National Park Service was initially to acquire 37,910 acres of property in the area, but, due to budget constraints, it acquired only 16,450 acres from 1980 to 1990. L.A. Times, April 22, 1990.
6. The General Plan contains various objectives with respect to the Project Site. The General Plan neither promises nor guarantees the achievement of any goal or objective nor strict adherence to any single policy statement. The Board of Supervisors must interpret and weigh the various Plan policies based on the available information. Appropriate adjustments to Plan goals, objectives and policies may be made to ensure that the Plan remains relevant to public needs.
7. Sub-Plan Amendment No. 87-527-(3), Zone Change Case No. 87-527-(3), and Vesting Tentative Tract Map No. 45342 were considered concurrently with this conditional use permit and oak tree permit. The findings of the Board of Supervisors for each of the above are incorporated herein by this reference as if set forth in full.
8. The Malibu/Santa Mountains Area Plan designates the property as 2 (Mountain Land II - 1 dwelling unit per 20 acres), 3 (Rural Land I - 1 dwelling unit per 10 acres), 4 (Rural Land II - 1 dwelling unit per 5 acres), 7 (Residential II - 2 dwelling units per acre), 9B (Residential IV - 8 to 10 dwelling units per acre), 13 (General Commercial) and Significant Ecological Area. The proposed plan amendment would change 1 acre from Rural Land I, 2 acres from Rural Land II, and 1.5 acres from Residential II to 13d (General Commercial Discretionary Review). To implement the proposed retail Project, a designation of 13d (General Commercial Discretionary Review) is required.

9. The Applicant requests approval of an amendment to the Natural Land Historic Resources Map of the Malibu/Santa Monica Mountains Area Plan from SEA (Significant Ecological Area) to HM (Hillside Management Areas).
10. The Applicant requests approval of an amendment to the Land Use Policy Map of the Los Angeles Countywide General Plan ("County General Plan") with respect to a 112.4 acre portion of the subject property from Significant Ecological Area to R-Non Urban (1 dwelling unit per 5 acres to 1 dwelling unit per acre), the General Development Policy Map from 10 (significant Ecological Area) to 6 (Non-Urban Hillside); and the Special Management Areas Map from Significant Ecological Area to Hillside Management.
11. The proposed land use policy map amendment is consistent and compatible with the goals, policies, and programs of the Countywide General Plan and the Malibu/Santa Monica Mountains Area Plan.
12. Compatibility with surrounding land uses will be ensured through the related zone change, conditional use permit, oak tree permit, subdivision and environmental controls.
13. The current Highway Plan and Malibu/Santa Monica Mountains Area Highway Plan Policy Map depict Thousand Oaks Boulevard as a major highway in the vicinity of the Project Site. The desire for such a route, parallel to the Ventura Freeway, has been recognized for over 25 years, when Thousand Oaks Boulevard was first added to the County Master Plan of Highways. The Ventura Freeway is currently one of the busiest and is projected to carry approximately 220,000 vehicles per day in the year 2010. Alternate parallel routes are necessary to serve local traffic needs and serve as a freeway bypass. The Department of Public Works indicates that such a parallel route is an essential element of a comprehensive plan to handle traffic in the Ventura Corridor. However, the Board of Supervisors, based upon the testimony presented at the public hearing, concluded that the reservation of an easement for the extension of Thousand Oaks Boulevard should not be required at this time because the construction of such extension in the foreseeable future is highly unlikely. The Board determined such extension

would materially impair the natural open space value of the underlying land and that the requested easement would constitute an undue burden, not necessary to provide access to the proposed development or to accommodate traffic generated by the proposed project. Testimony was received indicating that the City of Agoura Hills had vacated easements within its boundaries which would be necessary to extend Thousand Oaks Blvd. further west through that city. Additionally, a representative of the National Park Service indicated that the Park Service would oppose the extension of the road through the park property over which the County had an easement. The width of the County easement over the park property is not sufficiently wide to allow for the construction of the full width road. However, the applicant will be required to pay an additional \$600,000 to help fund regional road improvements in the area of the project.

14. The project Site lies within the Palo Comado Significant Ecological Area (SEA) No. 12 and encompasses approximately 18 percent of the approximately 2,790-acre Palo Comado SEA. The SEA designation seeks to foster the preservation of sensitive, declining and rare resources, including the coast live oak (Quercus agrifolia), valley oak (Quercus lobata), and California black walnut (Juglans californica) within a savannah habitat. The habitat value of the Project Site has been degraded as discussed in the Final EIR. The area of development will be deleted from the SEA in order to facilitate development of the Proposed Project.
15. The findings of fact prepared pursuant to the California Environmental Quality Act (CEQA) with respect to the impacts identified in the DEIR and SEIR, the planned mitigation measures, and a statement of overriding considerations for the Proposed Project are incorporated herein by this reference as if set forth in full.
16. In spite of the design features associated with, and the mitigation measures required for, the Proposed Project, significant environmental impacts, particularly with respect to biotic resources and the deletion of a portion of the Project Site from the SEA, will remain. The Board has heard considerable public comment regarding these impacts and opposing viewpoints regarding the Proposed Project and the

amendments to the General Plan, has considered them and, on the basis of the evidence presented in the record, determined that the benefits associated with development of the Proposed Project are a significant contribution to the general health and welfare of the community as a whole, and outweigh the remaining environmental impacts. In addition, the design features and mitigation measures incorporated into the Proposed Project are the best means of implementing the various objectives and goals of the General Plan related to the Project Site in an overall manner.

17. The applicant has proposed to develop the Project Site in a manner that will best implement the various objectives identified with respect to the Project Site in an overall manner, including the applicant's objectives, and the objectives of preserving a significant portion of the SEA.
18. The previously proposed version of the project would have provided for the development of 341 residential units and 9.8 acres of neighborhood commercial uses and would have fully improved an extension of Thousand Oaks Boulevard through the Project Site consistent with the County of Los Angeles Highway Plan and the Highway Policy of the Malibu/Santa Monica Mountains Interim Area Plan (the "Previously Proposed Project").
19. Based on public comment regarding environmental impacts of the Initially Proposed Project in conjunction with the CEQA process and hearings before the County Planning Commission, the Commission denied the Initially Proposed Project on February 21, 1990. The denial was based on environmental concerns, specifically, the impacts of the extensive grading and cut and fill requirements associated with the extension of Thousand Oaks Boulevard and the proposed density of development within an SEA and within close proximity to a landfill and National Park Service open space.
20. The applicant appealed the decision of the Planning Commission to the County Board of Supervisors, which heard the appeal on April 30, 1990. Based on the considerable public benefits to be derived from development of the Project Site, the Board sent the Initially Proposed Project back to the Commission for reconsideration, directing the

Commission to consider a reduced density project.

21. In response to the directive of the Board, the applicant set out to modify the project design to address the concerns of the public and reduce the environmental impacts of development. The applicant worked extensively with the Subdivision Committee of the Department of Regional Planning, the National Park Service and the Santa Monica Mountains Conservancy to develop a design that would consolidate development in order to protect the integrity of surrounding National Park Service open space, increase the value of the Open Space Buffer area and preserve the most sensitive environmental resources.
22. The resulting reduced version of the project is similar to, but less dense than, the Existing Zoning Alternative identified in the DEIR (the "Proposed Project"). It substantially reduces the project density from that of the Initially Proposed Project and clusters development to provide buffers from surrounding land uses. The Proposed Project proposes the development of 110 single-family residential lots on approximately 95 acres of the Project Site, reduced from the 341 residences proposed by the Previously Proposed Project. The area of commercial development under the Proposed Project is likewise reduced from 9.8 acres under the Previously Proposed Project to 4.5 acres. Grading is reduced from 194.5 acres with 4.5 million cubic yards of earth redistribution to 95 acres with 2.9 cubic yards of earth redistribution for the Proposed Project.
23. Existing zoning for the Project Site would allow 484 residential units, an additional 373 units over that proposed for the Proposed Project. Development of the subject property with up to 112 dwelling units, which is consistent with the existing land use designations of the Malibu/Santa Monica Mountains Interim Area Plan, would necessitate substantial alterations of the natural features of the Project Site in order to create buildable pads, access roads, necessary infrastructure, and to stabilize existing landslides.
24. Development in the Proposed Project has been reconfigured in

response to public concerns regarding the proximity of development to neighboring land uses so as to cluster residences adjacent to existing development, thus providing the surrounding Open Space Buffer. The Proposed Project design consolidates development and the conditions of project approval provide for the potential dedication of the Open Space Buffer to the County of Los Angeles Department of Parks and Recreation, the National Park Service or the Santa Monica Mountains Conservancy.

25. The establishment of the Open Space Buffer adjacent to the National Park Service property not only increases the amount of open space in the area, but creates a biologically useful link that enhances the habitat value of the preserved area of the Project Site. These open spaces are connected to large areas of undisturbed land and will become an integral part of the proposed park system.
26. The preservation of the Open Space Buffer will reduce the adverse impacts to SEA No. 12 and to wildlife habitat and preserve approximately 80% of the SEA on the Project Site, an objective that otherwise could not be realized in the absence of public acquisition of the Project Site.
27. The Initially Proposed Project provided for the extension of Thousand Oaks Boulevard through the Project Site. Under the project as approved by the Board, the applicant will not be required to grant an easement for the extension of Thousand Oaks Boulevard through the Project Site.
28. However, in lieu of dedicating right of way for Thousand Oaks Blvd., the applicant will be required to contribute \$600,000 for other regional transportation needs as determined by the County. These funds can be utilized for other measures to mitigate traffic congestion through the Ventura corridor.
29. The Proposed Project incorporates design features intended to reduce impacts of development and remedy existing conditions present on the Project Site as is further discussed in the Final EIR.
30. The applicant prepared and submitted an oak tree report

concerning the proposed removal of trees in conjunction with the development of the Proposed Project. The County Forester reviewed the report and made recommendations as required by the provisions of Section 22.56.2140 of the County Code. The conditions of grant include provision for replacement of removed trees, which substantially exceed the minimum requirements of the County oak tree ordinance. The conditions further include provision for protection of the remaining trees and a program for the enhancement of the regional oak tree resources. Replacement oaks will be planted in areas within the Open Space Buffer in biologically functional clusters, so as to increase the habitat value of that open space. In addition, the applicant met with the representatives of the Santa Monica Conservancy and the National Park Service regarding the location of development on the Project Site so as to minimize the overall environmental consequences and cause the least damage to the most valuable oak savannah resources located on the Project Site.

31. Compliance with the measures contained in the attached conditions, the Mitigation Monitoring Program and the resource management plan will ensure the health and vigor of the replacement trees. Additional measures, including restrictions on work within the protected zone of any oak and maintenance in accordance with the publication Oak Trees; Care and Maintenance, prepared by the Los Angeles County Forester, will avert damage to the remaining oak trees on the property.
32. Compliance with grading, drainage and other applicable County regulations and with the provisions of the Mitigation Monitoring Program for the project will satisfactorily mitigate any increase or diversion of surface water which would otherwise result from removal of the oak trees.
33. The Proposed Project provides a transition in character and density from urbanized land uses surrounding and including the developed portions of the Project Site to rural areas beyond, including the National Park Service area to the west. Landscaping according to the approved landscaping plan will visually blend the residential and commercial areas into the surrounding open space through the use of

grading techniques and native plant materials and to buffer and screen these areas from the surrounding community. The commercial site will be heavily landscaped to minimize the visual impact of structures on the Project Site.

34. The Proposed Project demonstrates creative and imaginative design resulting in a visual quality that will complement community character and benefit current and future community residents. Implementation of the Proposed Project will provide for the preservation of the majority of the Project Site that is visible from the Ventura Freeway view corridor, including that portion of the Project Site identified as a visual resource area. This acreage will remain in permanent open space. The Proposed Project design accomplishes this through restricting the areas disturbed by grading, clustering residential structures and the utilization of landscape screening. Additional measures have been incorporated into the Proposed Project to reduce visibility from off-site locations, including the use of contour grading techniques on manufactured slopes, and the use of earthtone construction materials in areas exposed to off-site views.
35. The Proposed Project has been designed so as to preserve all major ridgelines. However, potential expansion of the Calabazas Landfill may impact existing ridgelines.
36. The Project Site has been used for cattle grazing for over 50 years and all observed on-site habitats have been disturbed by overgrazing. Large areas of the Project Site may have supported native grassland species prior to the onset of livestock grazing, but constant grazing pressures and range management have resulted in the current grassland habitat dominated by non-native annual grasses.
37. In addition, overgrazing and trampling of the soil by livestock has disturbed native flora and fauna, reduced the ground cover to sparse grasses and increased erosion of the topsoil. This has resulted in accelerated erosion within drainage channels and siltation of downstream drainage facilities. Development will cease all livestock grazing, substantially reduce the rate of on-site erosion and siltation of downstream areas and permit floral resources to

regenerate to a more naturalized condition.

38. Development of the Proposed Project will eliminate long-term soil erosion potential due to the installation and continuous maintenance of permanent erosion control devices, re-vegetation on the Project Site and the preservation of the Open Space Buffer. Development of the subject property as proposed will enable the preservation of the natural terrain and the restoration and preservation of the natural habitat on major portions of the property, expand the supply of contiguous open space lands, and minimize the removal of Valley Oaks which are generally considered to be most threatened.
39. The Proposed Project provides for a planned development within close proximity to developing employment areas and the clustering of development in close proximity to necessary commercial amenities. Proposed on-site commercial uses combined with the project's location within close proximity to developing employment areas, will reduce project-related average daily trips (ADT) and vehicular trip lengths (VMT). The reduction in ADT and VMT will have secondary benefits by reducing air quality emissions, use of nonrenewable fossil fuels and traffic congestion on local and regional circulation systems.
40. The design of the Proposed Project reduces impacts associated with locating a residential subdivision within the vicinity of the Calabasas Landfill because residences are located further from the landfill than under the Previously Proposed Project. In addition, specific measures to control potential nuisances due to noise, litter, dust and vectors and to minimize landfill traffic and overall visual impacts have been implemented at the landfill and an ongoing air quality monitoring program and landfill gas collection and control systems are required by permits for landfill operations.
41. The design features of the Proposed Project implement and facilitate many of the goals, policies, and programs of the General Plan, including the protection of the visual quality of the Project Site, such as the open space areas and all ridgelines located on the Project Site, and the preservation

of the Open Space Buffer, which increases the quantity of open space and ensures the compatibility of the Proposed Project with the adjacent National Park Service property.

42. The design features of, and mitigation measures incorporated in, the Proposed Project, such as erosion control measures, increased accessibility for fire fighters, and the elimination of unstable slopes on the Project Site, are in the interests of public health, safety and the general welfare.
43. The existence of surrounding residential uses, the expansion of surrounding open space buffers, which serve as transition zones to neighboring open space properties, and other design features built into the Proposed Project, ensure that the Project Site is a proper location for the recommended zone classification within the area.
44. There is no evidence that the Proposed Project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site.
45. Adopted mitigation measures, as set forth in the FEIR and the conditions recommended for Tentative Tract Map No. 45342 will mitigate traffic impacts of the Proposed Project and may improve Ventura Freeway on-ramp conditions in the vicinity of the Project Site as compared to existing conditions.
46. The Las Virgenes Unified School District has indicated that it will not be able to accommodate the anticipated students generated from the Proposed Project. The schools which would serve the project are currently above capacity. Project mitigation requires that the project proponent pay school impact fees in accordance with Government Code Sections 53080 and 65995 for the provisions of new school facilities; however, a significant cumulative impact on schools will remain.
47. Landscaping and circulation improvements resulting from the Proposed Project will reduce fire hazards and increase access to the Project Site by fire fighters.

48. In addition to the dedication of the Open Space Buffer, the Proposed Project will dedicate trail easements for hiking and riding within the Project Site.
49. The County cannot obtain the benefits associated with the Proposed Project without investing taxpayer funds, which are unavailable in most instances.
50. There is a need for affordable housing in the community.
51. Taking into account the input of the Los Angeles County Subdivision Committee, the National Park Service and the Santa Monica Mountains Conservancy, and taking into account the considerable public comment submitted with respect to the Initially Proposed Project, the applicant has modified project design so as to reduce the environmental impacts of development of the subject property below levels associated with the Existing Zoning Alternative in the DEIR.
52. The applicant is required, pursuant to the conditions of approval, to contribute to the County's fund for preparation of an in-depth study of the County's SEAs.
53. Conditions necessary to implement the mitigation measures and programs identified in the environmental impact report and a Mitigation Monitoring Program for carrying out these measures have been imposed upon this conditional use and oak tree Permit and additional measures are required in the conditions for approval of Tentative Tract 45342.
54. Valuable public benefits in addition to the potential dedication of the Open Space Buffer have been incorporated into the Proposed Project design, which are in the interest of the public health, safety and general welfare.
55. The Board of Supervisors has heard and considered the input of staff, the County Significant Ecological Areas Technical Advisory Committee, other local and state agencies, and members of the public with respect to the best means of implementing the various objectives of the General Plan at the subject property.
56. The Regional Planning Commission on March 30, 1994

recommended that the Board of Supervisors adopt Sub-Plan Amendment 87-527-(3) and Zone Change 87-527-(3).

57. This conditional use permit and oak tree permit will not be effective until the concurrently approved and related sub-plan amendment and zone change ordinance are effective.
58. The project is consistent with the social portion of the Development Monitoring System because adequate road service will be available and commercial and employment facilities are, or will be located in close proximity. Although a cumulative impact on road service was identified during initial processing, the applicant has agreed to participate in appropriate road improvements and to provide the necessary mitigation measures to reduce road service impacts. The road service was evaluated as part of the environmental analysis and the resultant environmental document, and the proximity to residential and employment facilities evaluated as part of the filed investigation and/or general plan evaluation.
59. The project is consistent with the environmental portion of the Development Monitoring System since the potentially significant impacts of Geotechnical, Flood Hazard, Natural Resources and open space impacts will be reduced to levels of insignificance.
60. The proposed project is consistent with the economic portion (Urban Services Analysis) of the Development Monitoring System since adequate water service is assured following the completion of capital improvements and the acquisition of full entitlements. Adequate water and sewer service can be provided to the project site by the Las Virgenes Municipal Water District and the subdivider is required to provide funding for the necessary improvements in relation thereto. Remaining impacts on school service were recognized in spite of the project's required payment of school impact fees in accordance with the California Government Code. However, the Board has adopted a statement of overriding considerations in compliance with CEQA with respect to that impact. The applicant has agreed to participate in library and fire facility financing, thus providing the necessary mitigation measures to reduce potential related impacts. These

services and necessary mitigation measures were evaluated as part of the environmental analysis and the resultant environmental document.

61. The internal consistency of the General Plan of the County of Los Angeles will not be affected by the proposed sub-plan amendment.
62. The proposed project in summary:
 - a. Avoids premature conversion of undeveloped land to urban uses;
 - b. Promotes a distribution of population consistent with service systems capacity, resources availability, environmental limitations, and accessibility;
 - c. Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslides areas and fire hazard areas;
 - d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
 - e. Ensures that new development will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates; and
 - f. Focuses intensive urban uses in an inter-dependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities.
63. A Final Environmental Impact Report for the project has been prepared in accordance with the California Environmental Quality Act, and the state and County guidelines relating thereto. As stated in the Final Environmental Impact Report and environmental findings, the project will result in unavoidable significant effects upon air quality, visual

resources, biotic resources and schools. However, the benefits of the proposed project outweigh the potential unavoidable adverse impacts and such unavoidable adverse impacts are determined to be acceptable based upon the overriding considerations set forth in the Final Environmental Impact Report. The Board determines that a reduction in the applicant's required contribution for regional traffic mitigation from \$1,300,000 to \$600,000, as set forth herein, does not detract from the overriding benefits provided by the project as conditioned. The Board further determines that the project benefits associated with the preservation of lots 117 and 118 (approximately 400 acres) as permanent open space will be realized whether the open space is maintained as such by the subdivider, the homeowners or one of the three designated public agencies that are authorized to receive transfer of said open space.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. Granting this conditional use permit and oak tree permit with the attached conditions and restrictions will be consistent with the adopted general plan and local plan for the area.
- B. With the attached restrictions and conditions, the requested use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area and 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. The site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features prescribed in the Zoning Ordinance or as otherwise required to integrate the use requested with the uses in the surrounding area.
- D. The site has adequate traffic access and is adequately served by other public or private facilities which may be required.

- E. The removal of the oak trees proposed is necessary as their continued existence at their present locations frustrates the planned improvement and proposed use of the subject property to such an extent that placement of such trees precludes the reasonable and efficient use of such property for a use otherwise authorized.
- F. The removal of the oak trees contemplated by this grant will not be contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.
- G.. Compliance with the measures contained in the attached conditions and monitoring program will avert damage to the remaining oak trees on the property.
- H. Compliance with grading, drainage and other requirements of County regulations and the attached conditions and monitoring program will satisfactorily mitigate any increase or diversion of surface water which would otherwise result from removal of the oak trees.
- I. The proposed project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow or erosion hazard.
- J. The proposed project is compatible with the natural, biotic, cultural, scenic, and open space resources of the area.
- K. The proposed project is conveniently served by and provides neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan.
- L. The proposed project demonstrates creative and imaginative design resulting in a visual quality that will complement community character and benefit current and future community residents.

THEREFORE, THE BOARD OF SUPERVISORS approves this Conditional Use Permit and Oak Tree Permit subject to the

attached conditions; approves the Final Environmental Impact Report prepared for the Project and certifies that it has reviewed and considered the information contained therein; certifies that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act and the State and County Guidelines relating thereto and reflects the independent judgment of the Board of Supervisors; determines that the conditions of approval and mitigation measures discussed in the Final Environmental Impact Report and the conditions of project approval are the only mitigations for this project which are feasible; determines that the remaining unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the project; adopts the statement of overriding considerations prepared for the project and adopts the Mitigation Monitoring Program for the project.

CUP87527.FIN

*This is a security controlled
COP even though it was
not mentioned in the findings
& conditions - per DEC*

CONDITIONS FOR APPROVAL
CONDITIONAL USE PERMIT NUMBER 87-527(3)
OAK TREE PERMIT NUMBER 87-527(3)

1. Unless otherwise apparent from the context, the term permittee shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purposes until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. 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 65907 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action of proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. The permittee shall reimburse the County for any court and attorney's fees which the County may be required to pay as a result of any claim or action brought against the County because of this grant. Although the permittee is the real part in interest in an action challenging this grant, the County may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee or any obligation under this condition.
5. If any provision of this grant is held or declared to be

invalid, the permit shall be void and the privileges granted hereunder shall lapse.

6. These conditions may be modified or this permit revoked in accordance with the provisions of Section 22.56.1760 of the Los Angeles County Code.
7. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant, Vesting Tentative Tract Map 45342, 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.
8. 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 may, after conducting a public hearing, revoke or modify this grant if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
9. This grant allows the development of 110 single family residential lots, and a neighborhood shopping center in substantial conformance with Exhibit "A" of this permit request as displayed at the December 1, 1993 public hearing before the Regional Planning Commission, which Exhibit "A" is on file at the Department of Regional Planning.
10. The time limits for the use of this grant shall be concurrent with those pertaining to Vesting Tentative Tract Map No. 45342.
11. In the event that the operation of any part of this grant should result in substantial complaints to the Department of Regional Planning, or the Regional Planning Commission, the above-described conditions may be modified if, after a duly advertised hearing by the Regional Planning Commission, such modification is deemed appropriate in order to eliminate or reduce said complaints.

12. Three copies of a fully dimensioned, detailed site plan, landscape plan and grading plan similar to those shown on the related Exhibit "A" and in conformance with the following conditions, to the extent they can be shown on a plan, shall be submitted for approval by the Director of Planning prior to the issuance of building or grading permits.
13. Three (3) copies of a landscape plan, which may be incorporated into a revised plot plan shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
14. The property shall be graded, developed and maintained in substantial conformance with the approved plans. All revised plans must be accompanied by the written authorization of the property owner.
15. Site grading shall be limited to that which is necessary to complete corrective grading required by the Department of Public Works, provide vehicular access and building pads configured to minimize alteration of the natural terrain.
16. Grading shall be limited to approximately 2.9 million cubic yards of cut and fill for the entire project as represented by the applicant during the hearings on the proposal. Not more than 100,000 cubic yards of excavated material shall be transported off-site unless authorized by a separate conditional use permit.
17. All requirements of the Zoning Ordinance and of the specific zoning of the subject property shall be complied with unless otherwise set forth in these conditions or shown on the approved plans.
18. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works. Drainage plans and two signed grading plans shall be submitted to the

Department of Public Works for approval before grading or construction.

19. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
20. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
21. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
22. This grant shall not be effective until an ordinance changing the zoning classification on the subject property to C-2-DP (Neighborhood Business - Development Program) has been adopted by the Board of Supervisors and is effective.
23. The permittee, after evaluation by the Department of Public Works, shall provide signage and striping for access to the site to the satisfaction of the Department of Public Works prior to the recordation of the final map.
24. Any structures that are demolished and any construction debris shall be removed to an appropriate off-site disposal facility.
25. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use and occupancy on the premises or that do not provide pertinent information about said premises.
26. In the event of such extraneous markings occurring, the permittee is to remove or cover said markings, drawings, or signage no later than 72 hours after occurring. The only

exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

27. Any adjustment to the lot lines shall be to the satisfaction of the Director of Regional Planning.
28. All utilities shall be placed underground.
29. Prior to any alteration of the project site or issuance of a building permit or grading permit, a site plan shall be submitted to and approved by the Planning Director and Director of Public Works indicating that the proposed construction and grading are consistent with this grant.
30. Three (3) copies of a landscape plan for all manufactured slopes, open space and common areas shall be submitted to and approved by the Director of Regional Planning prior to recordation of the final map for related Tentative Tract Map no. 45342.
31. To the maximum extent feasible and consistent with the other conditions of this grant said landscaping plan shall incorporate indigenous drought tolerant (low water consumption) species and appropriate watering devices.
32. No grading shall be done or natural vegetation removed beyond that which is shown on the approved Exhibit "A", except that which may be required by the Fire Department for brush clearing purposes.
33. Prior to the issuance of a building permit or grading permit, the permittee shall erect street signs to the satisfaction of the Fire Department.
34. The permittee shall secure approval from the California Regional Water Quality Control Board (CRWQCB) and shall satisfy concerns in the letter dated August 25, 1989.
35. Adequate water supply and sewage capacity shall be provided by and secured from the Las Virgenes Municipal Water District to the satisfaction of the Department of Public Works, the Department of Health Services, and the Forester and Fire Warden.

36. The following conditions shall apply to the open space lots:

- a) Lots of less than required area are permitted within open space areas.
- b) Open space areas shall be shown as lots or easements to be:
 - 1. Conveyed as a mandatory fractional and undivided interest to each purchaser, or
 - 2. Conveyed to a public agency or to a homeowners association charged with the operation and maintenance of such common areas for the benefit of all owners, or
 - 3. Retained by the developer, or
 - 4. Maintained under an easement granted to a maintenance district subject to separate taxation or to be operated by a governmental agency, or
 - 5. A combination of two or more of the foregoing items.
- c) Open space, common area and recreation lots, if any, shall be maintained in a manner satisfactory to the Director of Planning.
- d) In the event that ownership of the contiguous open space lots described on the tentative tract map as lots 117 and 118 (approximately 400 acres) is transferred to anyone other than the home purchasers or a homeowners association comprised of such purchasers, it shall be transferred to the County Department of Parks and Recreation, the National Park Service, or the Santa Monica Mountains Conservancy, unless the Board of Supervisors acts to change this condition.

37. The covenants, conditions and restrictions (C.C. and R's) governing the common areas and their administration shall be in compliance with all applicable statutes, and subject to

approval of the Director of Planning.

38. The use in insecticides, herbicides, or any toxic chemical substance (with the exception of non-regulated home insecticides considered necessary for maintenance of households) shall be prohibited in designated environmentally sensitive habitats, except in an emergency which threatens the habitat itself.
39. Prior to alteration of any streambeds, and as a means of mitigating potential environmental impacts, the permittee shall enter into an agreement with the California State Department of Fish and Game, pursuant to Sections 1601 through 1603 of the State Fish and Game Code.
40. As a means of mitigating potential environmental impacts, the permittee shall suspend construction in the vicinity of any cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine it and determine appropriate mitigation measures. The permittee shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Department of Regional Planning.
41. The permittee shall participate in an appropriate financing mechanism to provide funds for expansion of sewage treatment facilities which are required by new residential development, in an amount proportional to the demand created by this project. Alternate mitigation measures for sewage treatment services acceptable to the County may also satisfy this requirement.
42. The permittee shall participate in any future library financing program to help fund additional library resources if said program is established by the County prior to recordation of the final tract map and contribute a pro rata share of the required funding. Alternate mitigation measures for library services acceptable to the County may also satisfy this condition.
43. Revegetation shall be accomplished on all graded slopes where structures or improvements are not to be constructed.

Consideration shall be given to the use of drought-adapted plant materials, especially species native to the Southern California foothills, contingent upon the availability of seed stocks and approval by appropriate agencies acting in the interest of fire control. If water requiring species are used for rapid growth, drip irrigation systems shall be employed.

44. All grading and construction on the subject property, and appurtenant activities including engine warm-up shall be restricted to the hours between 7:00 a.m. and 7:00 p.m. No Saturday, Sunday or holiday operations are permitted.
45. Detonation of explosives or any other blasting device or material shall be prohibited unless required permits have been obtained.
46. All vehicles used in the development and construction of the project shall be maintained in compliance with the requirements of South Coast Air Quality Management Board for vehicle emissions.
47. No construction equipment or vehicles shall be parked or stored on any public or private street.
48. Permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this permit. Additionally, any flagmen requested by said department shall be provided and any other recommendations of said department shall be strictly complied with.
49. This permit does not allow a dump, quarry, or other landfill or land reclamation operation.
50. Developer shall participate in a financing program to provide its fair share of funds for school facilities which are required by new residential development.
51. Developer shall pay school mitigation payments to the affected school district(s) based upon the amounts specified

in Government Code sections 65995 and 53080. The school mitigation payments shall be made for each structure prior to the issuance of the building permit.

52. Prior to the issuance of building permits or grading permits or the commencement of any grading or removal of vegetation on the subject property Permittee shall contribute the sum of \$80,000.00 to the County of Los Angeles to provide partial funding for the County's on-going study of Significant Ecological Areas.
53. The permittee shall, prior to commencement of the uses authorized by this grant, deposit with the County of Los Angeles a sum of \$1,500.00. Such fees shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for expenses incurred while inspecting the premises to determine permittee's compliance with the conditions of approval. The above fees provide for biennial inspections covering the life of the grant.
54. All mitigation measures described in the Final Environmental Impact Report shall be implemented in a timely manner and in accordance with the Mitigation Monitoring Program appended to the Final E.I.R. and incorporated herein by reference.
55. Oak Tree Permit 87-527-(3) shall be subject to all of the above conditions pertaining to Conditional Use Permit 87-527-(3) and all of the following conditions.
56. This grant allows the removal and or relocation of not more than 135 oak trees. The minimum replacement ratio for all oak trees relocated or removed and any oak trees that die within one year following completion of public utility installations on site shall be 2:1. All replacement oak trees shall be of a size and species approved by the Forester and Fire Warden.
57. An oak tree reforestation plan and a plan for protecting remaining oak trees shall be submitted to and approved by the County Forester and Fire Warden prior to recordation of Tract 45342 and prior to the removal of any oak tree or the

commencement of any grading or construction within the protected zone (dripline plus five feet) of any oak tree on the subject property.

58. The removal, relocation, replacement and maintenance of oak trees shall be conducted under the supervision of a qualified arborist and in strict conformance with the mitigation measures set forth in the Final Environmental Impact Report and the recommendations of the Los Angeles County Forester and Fire Warden incorporated herein by reference, and a reforestation and protection plan approved by the Forester and Fire Warden.
59. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning and the Forester and Fire Warden stating that he or she has been retained by the permittee to perform or supervise the work and that he or she agrees to report to the Director and the Forester and Fire Warden any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of work required by this grant. The report shall include a diagram showing the exact number and location of all replacement trees planted as well as planting dates.
60. To the maximum extent feasible, replacement oak trees shall be planted within the undisturbed open space areas on the property.
61. If the Forester and Fire Warden determines that the prescribed number of oak trees cannot be successfully planted and maintained on the subject property, Permittee shall compensate the County for the loss of the oak trees removed or relocated within the boundaries of the subject property in an amount to be determined by a qualified arborist using the "Guide to Establishing Values for Trees and Shrubs" published by the International Society of Arboriculture. Such evaluation shall be submitted to the Forester and Fire Warden for review and approval. Such compensation shall be deposited in the "Oak Forest Special Fund" established by the Board of Supervisors on November 26, 1991.

62. Planting of replacement oak trees or relocated oak trees shall be completed within one (1) year following removal of any oak trees.
63. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall be limited to the removal of deadwood and stubs and medium pruning of branches one inch in diameter or less in accordance with the guidelines published by the National Arborist Association.
64. The permittee shall properly maintain each replacement tree and shall replace any tree failing to survive for a period of five (5) years after planting with a tree meeting the specifications set forth above.
65. Utility trenches shall not be routed within the protected zone of an oak tree unless such locations are required by the serving utility and approved by the Forester and Fire Warden.
66. All work on or within the protected zone of any oak tree (excepting tree removal) shall be performed by or under the supervision of a qualified arborist.
67. Equipment, materials and vehicles shall not be stored or parked within the protected zone of any oak tree during construction.
68. The permittee shall arrange for a qualified arborist to maintain all remaining oak trees on the subject property for a period of five (5) years following completion of the work authorized by this grant.
69. Should work on or within the protected zone result in the death of any oak tree within five (5) years of the completion of the work, the tree shall be replaced and the replacement tree shall be maintained as provided in approved oak tree replacement planting and mitigation plan.
70. Except as otherwise expressly authorized by this grant, the remaining oak trees shall be maintained in accordance with

the principles set forth in the publication, Oak trees: Care and Maintenance, prepared by the Los Angeles County Department of Forester and Fire Warden. (Copies shall be provided to the initial purchaser or occupant of each lot on which an oak is located.)

71. Before commencing oak removal authorized by this grant, the permittee shall deposit the sum of \$10,000.00 with an escrow agent or trust company acceptable to the County for the purposes of paying costs incurred by the County Forester in monitoring the permittee's compliance. The County Forester shall present invoices documenting the costs incurred to the escrow agent or trust company on a monthly basis. The permittee shall make regular deposits so that the balance of said escrow or trust account shall at no time be less than \$2,000.00.

72. Before removing any oak tree, the permittee shall enter into an agreement with the County specifying procedures which shall be followed by the permittee and the County Forester in monitoring compliance with the oak tree mitigation and replacement program. This agreement will be incorporated into the oak replacement plan. The agreement shall include, but is not limited to:
 - a. Provision for accounting for each tree removed.
 - b. Provision for a comprehensive annual inventory to be conducted each year by the County Forester and the consulting horticulturalist/arborist to document the growth, condition and survival of all oak trees planted.
 - c. Provision for additional regular and unannounced inspections conducted by the County Forester.
 - d. Provision that the permittee shall submit a corrective plan to the County Forester within 15 days after receipt of a notice of correction, with corrective measures timed to good horticultural practices and seasonal conditions.
 - e. Provision to furnish sample tree rounds from the

trees approved for removal to the Department of Forester and Fire Warden for studies to determine age/diameter relationships.

73. The term "oak tree report" refers to the document on file by Vella and Associates dated March 1991.
74. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of an oak tree.
75. No temporary structures shall be placed within the protected zone of any oak tree.
76. Trenching, excavation, or clearance of vegetation within the protected zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
77. Utility trenches shall not be routed within the protected zone of an oak tree unless such locations are required by the serving utility.
78. No planting or irrigation system shall be installed within the dripline of an oak tree that will be retained.
79. The permittee shall install temporary fencing, not less than four (4) feet in height, to secure the protected zone of all remaining oak trees during construction. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the Forest and Fire Warden or the Director.
80. Copies of an oak tree report, oak tree map, replacement plan, and approved conditions of permit approval shall be kept on the project site and available for review.
81. Violations of the conditions of this grant shall result in notice to correct deficiency within a given time frame indicated on the notice or immediate work stoppage depending on the nature of the violation.

82. With the exception of replacement tree location, the oak woodland construction guidelines, maintenance, monitoring, and portions of the oak replacement sections of the Final Biological Resources Assessment will be incorporated into the replacement plan approved by the Department of Forester and Fire Warden.

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