

Regional Planning Commission Transmittal Checklist

Hearing Date 01/12/2011
Agenda Item Number 8

Project Number: R2009-00128-(3)
Case(s): Conditional Use Permit No. 200900005
Contact Person: Tyler Montgomery, Zoning Permits III

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 checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Las Virgenes Water District will-serve letter

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435
PROJECT NUMBER R2009-00128
Conditional Use Permit No. 200900005

PUBLIC HEARING DATE 1/12/2011	AGENDA ITEM 8
RPC CONSENT DATE	CONTINUE TO

APPLICANT James McGlothlin	OWNER David Hamre & Nicole Hammacher	REPRESENTATIVE None
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PROJECT DESCRIPTION
 The applicant seeks authorization to construct a 3,898-square-foot single-family residence and an attached 555-square-foot garage on an 8,173-square-foot (0.19-acre) parcel. The property is zoned A-1-5 (Light Agricultural--5-acre min. lot size) and is located at 771 Latigo Canyon Road within the Santa Monica Mountains North Area Community Standards District (CSD). The property is part of Tract 10544, which is designated as an antiquated subdivision area by the CSD (County Code Sec. 22.44.133.F.1). A conditional use permit (CUP) is required to develop a single-family residence on any parcel located within an antiquated subdivision area that is less than one-half acre and contains any slope of more than 25 percent grade. Because the parcel falls into all of these categories, a CUP is required to construct the residence.

REQUIRED ENTITLEMENTS
A conditional use permit to allow construction of a single-family residence in an antiquated subdivision of the Santa Monica Mountains North Area Plan

LOCATION/ADDRESS
 771 Latigo Canyon Road, Malibu

SITE DESCRIPTION
 The applicant proposes to construct a 4,453 square-foot single-family residence on the northwestern portion of the property, approximately 10 feet from the front property line and 77 feet from the rear property line. 5-foot-wide side-yard setbacks would also be provided. The three-story structure would be located on a slope of approximately 50 percent grade (sloping downward from northeast to southwest) and have a maximum structural height of 35 feet. A driveway would take access from Latigo Canyon Road to the northeast, leading to a 555-square-foot attached garage in the structure's third story. A total of 1,956 square feet of impervious surface area would be created (approximately 24 percent of the site). All development would be located outside of the Coastal Zone boundary, which bisects the property from north to south approximately 77 feet from the rear western (rear) property line.

ACCESS Latigo Canyon Road to the northeast	ZONED DISTRICT The Malibu
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ASSESSORS PARCEL NUMBER 4464-010-008	COMMUNITY Santa Monica Mountains North Area
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SIZE 0.19 Acres	COMMUNITY STANDARDS DISTRICT Santa Monica Mountains North Area
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Vacant	A-1-5 (Light Agricultural--5-acre min. lot size)
North	Vacant land, single-family residences	A-1-5 (Light Agricultural--5-acre min. lot size)
East	Vacant land, single-family residences	A-1-5 (Light Agricultural--5-acre min. lot size)
South	Vacant land, single-family residences	A-1-5 (Light Agricultural--5-acre min. lot size)
West	Single-family residences	A-1-1 (Light Agricultural--1-acre min. lot size)

GENERAL PLAN/COMMUNITY PLAN Santa Monica Mountains North Area	LAND USE DESIGNATION N5 (Mountain Lands 5)	MAXIMUM DENSITY 1 dwelling unit / 5 acres
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ENVIRONMENTAL DETERMINATION
 Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

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

STAFF CONTACT PERSON: Tyler Montgomery

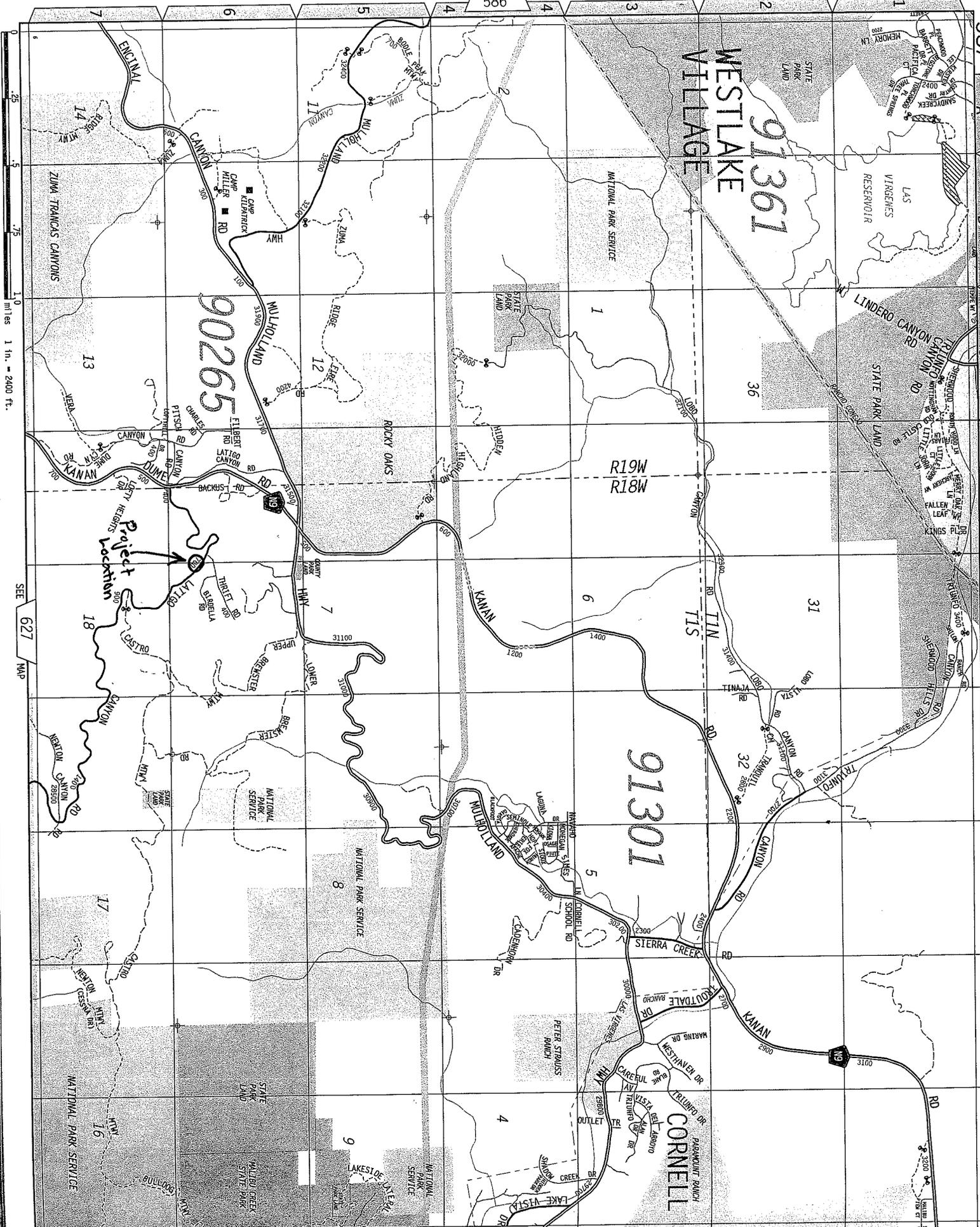
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0
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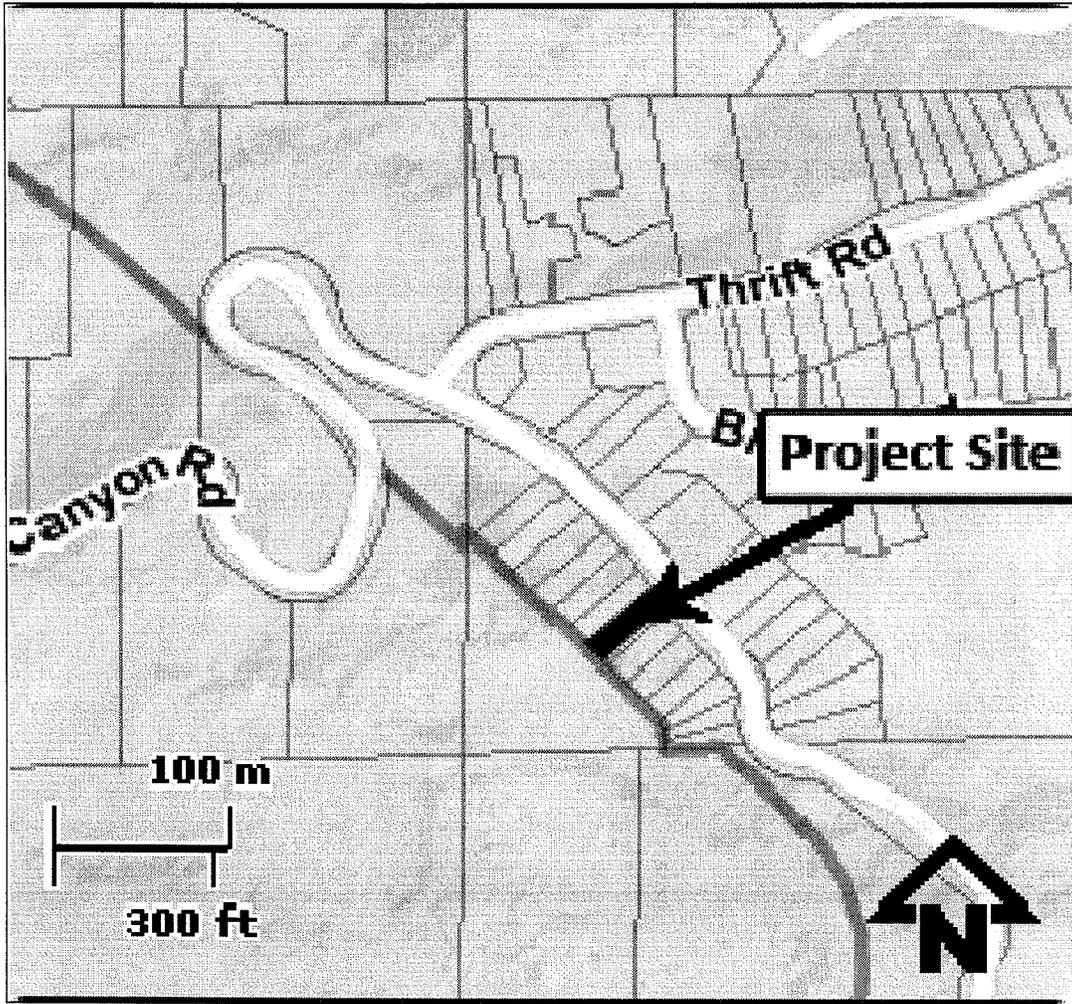
SEE 586 MAP

SEE 588 MAP



0 .25 .5 1.0 miles 1 in. = 2400 ft.

SEE 627 MAP



STAFF ANALYSIS

PROJECT NUMBER:

R2009-00128-(3)

CONDITIONAL USE PERMIT NO.:

200900005

OVERVIEW OF THE PROPOSED PROJECT

The applicant is requesting a conditional use permit (CUP) to authorize the construction of a single-family residence with an attached garage in an antiquated subdivision of the Santa Monica Mountains North Area Plan on an approximately 8,173 square foot parcel containing slopes over 25 percent grade. The subject property is zoned A-1-5 (Light Agricultural—5-acre minimum lot size).

DESCRIPTION OF SUBJECT PROPERTY

Location

The site is located at 771 Latigo Canyon Road, Malibu, within the Santa Monica Mountains North Area Community Standards District (CSD) and in the area covered by the Santa Monica Mountains North Area Plan (NAP). The Coastal Zone bisects the parcel from north to south approximately 81 feet west of its boundary with the public right-of-way.

Physical Features

The subject property is a small, roughly rectangular parcel of approximately 8,173 square feet (0.19 acres). The property slopes steeply downward from east to west with an approximate average grade of 50 percent. The site is undeveloped and contains minimal vegetation. The property is accessed from Latigo Canyon Road to the east. The area is relatively rural, and the site is surrounded by vacant land and other single-family residences. There are also other similarly sized parcels to the north, south, and east of the subject property. Within 500 feet of the property, approximately four out of 55 of these antiquated parcels are developed with a single-family residence, while the rest are either vacant or are one of several parcels occupied by a single residence. A single-family residence is located immediately to the west of the subject parcel, on a 2-acre parcel at the bottom of the slope.

ENTITLEMENT

The property is part of Tract 10544, which is designated as an antiquated subdivision area by the CSD (County Code Sec. 22.44.133.F.1). The tract was created in the 1930s, prior to the adoption of the CSD by the Board of Supervisors in 2002. A CUP is required to develop a single-family residence on any parcel located within an antiquated subdivision area on a parcel that is less than one-half acre and contains any slope of more than 25 percent grade. Because the parcel falls into all of these categories, a CUP is required to construct the residence.

EXISTING ZONING

Subject Property

The project site is zoned A-1-5 (Light Agricultural—5-acre minimum lot size). The existing parcel is approximately 8,173 square feet and was created prior to the adoption of the current zoning for the property, which requires a minimum lot size of 5 acres.

Surrounding Zones

Surrounding properties are zoned as follows:

North: A-1-5 (Light Agricultural—5-acre minimum lot size)

South: A-1-5 (Light Agricultural—5-acre minimum lot size)

East: A-1-5 (Light Agricultural—5-acre minimum lot size)

West: A-1-1 (Light Agricultural—1-acre minimum lot size)

EXISTING LAND USES

Subject Property

The subject property is undeveloped.

Surrounding Land Use

Surrounding land uses consist of:

North: Single-family residences, vacant land

South: Single-family residences, vacant land

East: Single-family residences, vacant land

West: Single-family residences

GENERAL PLAN

Land Use Policy Map

The subject property is located within the "N5" (Mountain Lands 5) classification of the Santa Monica Mountains North Area Plan, which was adopted by the Board of Supervisors in 2000. The intent of this land use classification is to provide primarily rural residential development at a maximum density of one dwelling unit per five acres. While the proposed development is not consistent with this density threshold, the underlying parcel is already in existence and not proposed as a new subdivision. Therefore, a residential structure on the site would be allowable and not considered inconsistent with this residential/rural land use classification.

SITE PLAN

The applicant proposes to construct a 3,898 square-foot single-family residence and 555-square-foot attached garage on the northwestern portion of the 8,173-square-foot (0.19 acre) parcel. The parcel is approximately 50 feet wide and 160 feet long. The proposed structures would be located approximately 10 feet from the front property line, 77 feet from the rear property line, and 5 feet from the side property lines. The proposed three-story structure would be located on a slope of approximately 50 percent grade (sloping downward from northeast to southwest) and would have a maximum height of 35 feet. A driveway would provide access from Latigo Canyon Road to the northeast, leading to a 555-square-foot attached garage in the structure's third story. A total of 1,956 square feet of impervious surface area would be created (approximately

24 percent of the site) and would be subject to the County's Low Impact Development (LID) requirements. All development would be located on the eastern side of the property and outside of the Coastal Zone boundary, which bisects the property from north to south approximately 77 feet from the western (rear) property line. The property is bounded on the east by Latigo Canyon Road, on the north and south by vacant parcels within the antiquated subdivision, and on the west by a single-family residence on a two-acre parcel, within the A-1-2 (Light Agricultural—2-acre minimum lot size) zone.

The current site plans do not fully depict the type or amount of landscaping to be installed on the project site. In the event of project approval, staff recommends that a condition of approval be added to require that, within 60 days of the final approval of the CUP, the applicant submit landscaping plans depicting landscaping that conforms to the drought-tolerant landscaping requirements of the Los Angeles County Code (Sec. 22.52.2230).

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

The property on which the existing facility is located is zoned A-1-5 (Light Agricultural—5-acre minimum lot size). A single-family residence would normally be permitted within this zone by right. However, because the subject property is located within an antiquated subdivision, on a parcel that is less than one-half acre and that contains slopes over 25 percent grade, the Code requires a CUP for the proposed single-family residence.

In addition to the CUP requirement, the proposed residence must satisfy all other applicable development standards in the A-1 zone. Residences in the A-1 zone are required to maintain a rear yard setback of 15 feet and minimum interior side yard setbacks of five feet (County Code Sec. 22.24.110). Both of these requirements would be satisfied by the project, which proposes side yard setbacks of five feet and a minimum rear yard setback of 77 feet. While the County Code would normally require a front yard setback of 20 feet within the A-1 zone (Sec. 22.24.110), a 10-foot setback is allowed "where a slope exists of 20 percent or more from the highway line to a point on natural ground 50 feet from said highway line" (Sec. 22.48.080). Because this is the case for the subject property, the proposed front yard setback of 10 feet satisfies Code requirements.

Section 22.52.1180 of the County Code requires that two covered parking spaces be provided for each single-family residence. The proposed project would meet this requirement, as it proposes construction of a two-car attached garage.

Sections 22.24.110 and 22.20.110 of the County Code set a maximum height for residences in the A-1 zone at 35 feet above grade. According to elevations submitted by the applicant, at no point would the height of the residence exceed 35 feet above grade.

COMPLIANCE WITH CSD STANDARDS

The Santa Monica Mountains North Area CSD (County Code Sec. 22.44.133) designates Tract 10544—of which the subject property is a part—as an Antiquated Subdivision. The CSD requires a CUP in order to develop a single-family residence on any parcel located within an antiquated subdivision area that is less than one-half acre and contains any slope of more than 25 percent grade. Because the parcel falls into all of these categories, a CUP is required to construct the residence.

The subject property is divided by the Coastal Zone boundary. The CSD states that “(w)hen parcels are divided by the coastal zone boundary, the use of that portion of a parcel within the coastal zone shall be consistent with the Malibu Land Use Plan, and the use of that portion outside the coastal zone shall be consistent with the Santa Monica Mountains North Area Plan” (Sec. 22.44.133.D.1). Because the area proposed for development lies completely within the portion of the property outside the Coastal Zone boundary, only Santa Monica Mountains North Area Plan should be applied to the project.

All other standards of the CSD would be met by the proposed project.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the 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.

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fence, 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.

- 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 applicant's Burden of Proof responses are attached to this document, and it is staff's opinion that the Burden of Proof has been satisfied.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (New construction or conversion of small structures) under the California Environmental Quality Act (CEQA) reporting requirements. A single-family residence is specifically covered by this exemption.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 70 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property and other interested parties on December 1, 2010 regarding the subject proposal. The notice was published in the *Malibu Times* and in *La Opinion* on December 9, 2010. Case-related materials were sent to the Malibu Library and posted on the Regional Planning web page.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff consulted with the Los Angeles County Fire, Public Works, and Public Health departments regarding the project proposal. After requesting and receiving numerous documents regarding grading, geotechnical stability, soil percolation, fire flow, and fuel modification, the case was cleared for public hearing by Public Health on June 1, 2009 by Fire on December 22, 2009, and by Public Works on October 13, 2010 (letters enclosed).

PUBLIC COMMENTS

At the time of this report, staff has received one letter in opposition to the project proposal (enclosed). The writer states that the underlying topography is too steep to adequately support a residence and that the location of this structure in such close proximity to his residence would negatively affect his viewshed and privacy. The writer also asked that Regional Planning staff provide him with additional information regarding the project, which was done. At this time, staff has not received any additional comments from the writer or any other member of the public.

STAFF EVALUATION

The Santa Monica Mountains North Area CSD requires that all single-family residences within certain designated antiquated subdivisions first obtain CUPs before they are developed. These subdivisions were created before the application of the modern Subdivision Map Act and generally consist of smaller parcels (5,000 to 15,000 square feet) than would be required under current zoning standards, which were adopted for the area in 2002. The underlying purpose of this requirement is twofold. First, it allows for a discretionary review of potentially dense development in certain areas known to have specific development constraints (i.e. geotechnical hazards, inadequate access roads, or lack of soil percolation). Second, a discretionary review also allows for review of projects for compatibility with surrounding land uses and the health, comfort, or welfare of area residents.

This project and its underlying property—as well as its ancillary geotechnical, soil, and fire flow reports—were reviewed by various County agencies, including Public Works, Fire, and Public Health, in order to determine whether the project met all applicable

requirements in light of the development constraints in the area. Each of these departments recommended approval for the CUP. Therefore, the project, as proposed, would be adequately served by public roads and the other necessary public and private facilities required for a single-family residence. Additionally, the proposed project would meet all of the applicable development standards for a single-family residence and would be a compatible land use for the area. The proposed residence is consistent with the other similar development in the area, and the project is designed and situated on the property intended to minimize visual intrusion and be in keeping with the surrounding character of the area. By situating the proposed residence approximately 10 feet from the front property line and incorporating the development into the hillside, the applicant has minimized the height of the structure that would be visible from Latigo Canyon Road. In fact, the highest elevation of the proposed residence would be approximately 1,921 feet above sea level—the same elevation as the surface of Latigo Canyon Road. Therefore, it would generally not be visible from that direction.

A neighboring resident expressed some concern about potential loss of privacy and views from construction of the proposed residence. One neighboring property is located to the west of the proposed project site at the bottom of the slope, and, therefore, would have a clear view of the proposed residence. However, this is mainly the result of the parcel's location rather than the proposed project's design, as it is at a higher elevation than the residence to the west. The proposed project is consistent with nearby single-family residences on Latigo Canyon Road. It is located at a similar elevation and position on its lot as these other residences, as well as built to a similar height, making the proposed residence compatible with the surrounding area. Moving the proposed residence farther to the east on the subject property, and away from the neighboring property owner, would result in the project deviating from Code-required development standards such as setbacks and height limits. Therefore, staff concludes that the proposed residence, as designed, is compatible with the surrounding area.

Due to the aforementioned factors, staff believes that the applicant has met the burden of proof for a conditional use permit.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Commission:

1. Inspection fees of \$600.00 to cover the costs of 3 recommended annual zoning enforcement inspections.
2. Library mitigation fee of \$808.00 for a new dwelling unit in the Santa Monica Mountains Planning Area, as per Section 22.72.030 of the County Code.

STAFF RECOMMENDATION

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

Staff recommends **APPROVAL** Conditional Use Permit No. 200900005, subject to the attached conditions.

SUGGESTED MOTION

I move that the Regional Planning Commission close the public hearing and **APPROVE** Conditional Use Permit No. 200900005 with the attached Findings and Conditions.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Mi Kim, Acting Section Head
Zoning Permits III Section

Attachments:

Draft Findings
Draft Conditions of Approval
Public Health clearance letter
Fire clearance letter
Public Works clearance letter
Applicant's Burden of Proof statement
Letter of opposition
Water District will-serve letter
Site photographs

MK:TM
12/28/10

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2009-00128-(3)
CONDITIONAL USE PERMIT NUMBER 200900005**

REGIONAL PLANNING COMMISSION HEARING DATE: JANUARY 12, 2011

SYNOPSIS: Pursuant to Section 22.44.133 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit ("CUP") to authorize the construction of a single-family residence in an antiquated subdivision of the Santa Monica Mountains North Area Plan. The subject property is zoned A-1-5 (Light Agricultural—5-acre minimum lot size).

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The site is located at 771 Latigo Canyon Road, Malibu, within the Santa Monica Mountains North Area Community Standards District (CSD) and in the area covered by the Santa Monica Mountains North Area Plan (NAP). The Coastal Zone bisects the parcel from north to south approximately 81 feet west of its boundary with the public right-of-way.
2. The project site is zoned A-1-5 (Light Agricultural—5-acre minimum lot size) and is undeveloped.
3. The subject property is a small, roughly rectangular parcel of approximately 8,173 square feet (0.19 acres). The property slopes steeply downward from east to west with an approximate average grade of 50 percent. The site is undeveloped and contains minimal vegetation. The property is accessed from Latigo Canyon Road to the east. The area is relatively rural, and the site is surrounded by vacant land and other single-family residences. There are also other similarly sized parcels to the north, south, and east of the subject property. Within 500 feet of the property, approximately four out of 55 of these antiquated parcels are developed with a single-family residence, while the rest are either vacant or are one of several parcels occupied by a single residence. A single-family residence is located immediately to the west of the subject parcel, on a 2-acre parcel at the bottom of the slope.
4. The property is part of Tract 10544, which is designated as an antiquated subdivision area by the CSD (County Code Sec. 22.44.133.F.1). The tract was created in the 1930s, prior to the adoption of the CSD by the Board of Supervisors in 2002. A CUP is required to develop a single-family residence on any parcel

located within an antiquated subdivision area on a parcel that is less than one-half acre and contains any slope of more than 25 percent grade. Because the parcel falls into all of these categories, a CUP is required to construct the residence.

5. Surrounding properties are zoned as follows:
 - North: A-1-5 (Light Agricultural—5-acre minimum lot size)
 - South: A-1-5 (Light Agricultural—5-acre minimum lot size)
 - East: A-1-5 (Light Agricultural—5-acre minimum lot size)
 - West: A-1-1 (Light Agricultural—1-acre minimum lot size)
6. The surrounding land uses consists of the following:
 - North: Single-family residences, vacant land
 - South: Single-family residences, vacant land
 - East: Single-family residences, vacant land
 - West: Single-family residences
7. The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements because it includes the construction of a single-family residence with an attached garage.
8. The public was appropriately notified of the public hearing conducted for this project. A total of 70 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property and other interested parties on December 1, 2010 regarding the subject proposal. The notice was published in the *Malibu Times* and in *La Opinion* on December 9, 2010. Case-related materials were sent to the Malibu Library and posted on the Regional Planning web page. The notice was also posted at the project site for a minimum of 30 days
9. Staff consulted with the Los Angeles County Fire, Public Works, and Public Health departments regarding the project proposal. After requesting and receiving numerous documents regarding grading, geotechnical stability, soil percolation, fire flow, and fuel modification, the case was cleared for public hearing by Public Health on June 1, 2009 by Fire on December 22, 2009, and by Public Works on October 13, 2010.
10. At the time of this report, staff has received one letter in opposition to the project proposal. The writer states that the underlying topography is too steep to adequately support a residence and that the location of this structure in such close proximity to his residence would negatively affect his viewshed and privacy. The writer also asked that Regional Planning staff provide him with additional information regarding the project, which was done.

11. The proposed project is consistent with the applicable provisions of the NAP, which is part of the Countywide General Plan. The subject property is located within the "N5" (Mountain Lands 5) classification of the Santa Monica Mountains North Area Plan, which was adopted by the Board of Supervisors in 2000. The intent of this land use classification is to provide primarily rural residential development at a maximum density of one dwelling unit per five acres. While the proposed development is not consistent with this density threshold, the underlying parcel is already in existence and not proposed as a new subdivision. Therefore, a residential structure on the site would be consistent with this residential/rural land use classification.
12. The subject property is adequate in size and shape to accommodate the yards, walls, fences, landscaping, and other development features required for this project. The project consists of a 3,898 square-foot single-family residence and 555-square-foot attached garage (4,553 square feet total) on the northwestern portion of an 8,173-square-foot (0.19 acre) parcel. The parcel is approximately 50 feet wide and 160 feet long. The proposed structures would be located approximately 10 feet from the front property line, 77 feet from the rear property line, and 5 feet from the side property lines. The proposed three-story structure would be located on a slope of approximately 50 percent grade (sloping downward from northeast to southwest) and would have a maximum height of 35 feet. A driveway would provide access from Latigo Canyon Road to the northeast, leading to a 555-square-foot attached garage in the structure's third story. A total of 1,956 square feet of impervious surface area would be created (approximately 24 percent of the site) and would be subject to the County's Low Impact Development (LID) requirements. All development would be located on the eastern side of the property and outside of the Coastal Zone boundary, which bisects the property from north to south approximately 77 feet from the western (rear) property line. The parcel is adequate in size to accommodate the necessary development standards and those improvements and design features required by other County departments. The property is bounded on the east by Latigo Canyon Road, on the north and south by vacant parcels within the antiquated subdivision, and on the west by a single-family residence on a two-acre parcel, within the A-1-2 (Light Agricultural—2-acre minimum lot size) zone.
13. In addition to the CUP requirement, the proposed residence must satisfy all other applicable development standards in the A-1 zone. Residences in the A-1 zone are required to maintain a rear yard setback of 15 feet and minimum interior side yard setbacks of five feet (County Code Sec. 22.24.110). Both of these requirements would be satisfied by the project, which proposes side yard setbacks of five feet and a minimum rear yard setback of 77 feet. While the County Code would normally require a front yard setback of 20 feet within the A-1 zone (Sec. 22.24.110), a 10-foot setback is allowed "where a slope exists of 20 percent or more from the highway line to a point on natural ground 50 feet from said highway line" (Sec. 22.48.080). Because this is the case for the subject property, the proposed front yard setback of 10 feet satisfies Code requirements

14. The subject property is adequate in size and shape to accommodate the parking required for the project. Section 22.52.1180 of the County Code requires that two covered parking spaces be provided for each single-family residence. The proposed project would meet this requirement, as it proposes construction of a two-car attached garage.
15. Sections 22.24.110 and 22.20.110 of the County Code set a maximum height for residences in the A-1 zone at 35 feet above grade. According to elevations submitted by the applicant, at no point would the height of the residence exceed 35 feet above grade.
16. The Santa Monica Mountains North Area CSD (County Code Sec. 22.44.133) designates Tract 10544—of which the subject property is a part—as an Antiquated Subdivision. The CSD requires a CUP in order to develop a single-family residence on any parcel located within an antiquated subdivision area that is less than one-half acre and contains any slope of more than 25 percent grade. Because the parcel falls into all of these categories, a CUP is required to construct the residence.
17. The subject property is divided by the Coastal Zone boundary. The CSD states that “(w)hen parcels are divided by the coastal zone boundary, the use of that portion of a parcel within the coastal zone shall be consistent with the Malibu Land Use Plan, and the use of that portion outside the coastal zone shall be consistent with the Santa Monica Mountains North Area Plan” (Sec. 22.44.133.D.1). Because the area proposed for development lies completely within the portion of the property outside the Coastal Zone boundary, only Santa Monica Mountains North Area Plan should be applied to the project.
18. The subject property is adequately served by highways of sufficient width, and improvevd as necessary to carry the kind of traffic a single-family residence would generate, and by other public or private facilities as are required. Latigo Canyon Road is a two-lane thoroughfare without level-of-service issues. This project and its underlying property—as well as its ancillary geotechnical, soil, and fire flow reports—were reviewed by various County agencies, including Public Works, Fire, and Public Health. Each of these departments subsequently recommended approval for the CUP. Therefore, the project, as proposed, would be adequately served by public roads and the other necessary public and private facilities required for a single-family residence. Additionally, the proposed project would meet all of the applicable development standards for a single-family residence and would be a compatible land use for the area
19. The proposed project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding areas because the proposed residence is consistent with the other similar development in the area, and the project is designed and situated on the property intended to minimize

visual intrusion and be in keeping with the surrounding character of the area. By situating the proposed residence approximately 10 feet from the front property line and incorporating the development into the hillside, the applicant has minimized the height of the structure that would be visible from Latigo Canyon Road. In fact, the highest elevation of the proposed residence would be approximately 1,921 feet above sea level—the same elevation as the surface of Latigo Canyon Road. Therefore, it would generally not be visible from that direction. One neighboring property is located to the west of the proposed project site at the bottom of the slope, and, therefore, would have a clear view of the proposed residence. However, this is mainly the result of the parcel's location rather than the proposed project's design, as it is at a higher elevation than the residence to the west. The proposed project is consistent with nearby single-family residences on Latigo Canyon Road. It is located at a similar elevation and position on its lot as these other residences, as well as built to a similar height, making the proposed residence compatible with the surrounding area. Moving the proposed residence farther to the east on the subject property, and away from the neighboring property owner, would result in the project deviating from Code-required development standards such as setbacks and height limits. Therefore, the proposed residence, as designed, is compatible with the surrounding area.

20. The proposed project will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because the proposed residence is consistent with the other similar development in the area, and the project is designed and situated on the property intended to minimize visual intrusion and be in keeping with the surrounding character of the area. It is located at a similar elevation and position on its lot as these other residences, as well as built to a similar height, making the proposed residence compatible with the surrounding area. Therefore, the proposed residence, as designed, is compatible with the surrounding area.
21. The proposed project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare because this project and its underlying property—as well as its ancillary geotechnical, soil, and fire flow reports—were reviewed by various County agencies, including Public Works, Fire, and Public Health. Each of these departments subsequently recommended approval for the CUP.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area. The requested use at the proposed locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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 and general welfare;

- B. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- C. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Sections 22.56.090 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission has considered the Class 3 Categorical Exemption for this project and certifies that the project is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900005 is **APPROVED** subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Action Date:

c: Commission Services, Zoning Enforcement, Building and Safety.

Attachment: Conditions

1. This grant authorizes the construction of an single-family residence, which includes an attached garage, as depicted on the approved site plan marked Exhibit "A", and subject to all of the following conditions of approval.
2. 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.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions of this grant have been recorded as required by Condition No. 8, and until all required fees have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs or expenses shall be billed and deducted:
 - a. If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of final approval of the grant by the County. A single, one-year time extension may be requested, in writing and with payment of the applicable fee, before the expiration date.
7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the property owner if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. **The permittee shall deposit with the County of Los Angeles the sum of \$600.00.** These monies shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for **three annual** inspections. Inspections shall be unannounced.

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

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety

or so as to be a nuisance.

11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
12. All structures and operations shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works, and with those requirements of the County Fire Department and Fire Warden in its letter of December 22, 2009, the Department of Public Health in its letter of June 1, 2009, and the Land Development Division of the Department of Public Works in its letter of December 28, 2010, unless otherwise required by said departments. These conditions are incorporated by this reference as if set forth fully herein, and the referenced letters are hereto attached.
13. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of the CUP. In the event that subsequent plans are submitted, the written authorization of the property owner is necessary.
14. Within 60 days of the date of final approval of this grant, the permittee shall submit to the Director for review and approval three (3) copies of revised plans, similar to Exhibit "A" presented at the public hearing, that depict all landscaping by location and species.
15. Landscaping shall comply with the drought-tolerant landscaping requirements of Section 22.52.2230 of the County Code. A minimum of 75 percent of such total landscaped area for each parcel shall contain plants from the drought-tolerant plant list of the Department of Regional Planning, and no more than 25 percent of such total landscaped area shall consist of grass or turf. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover. The permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. The permittee shall record a covenant agreeing to maintain such landscaping for the life of the permit. This covenant shall be filed with the Department of Regional Planning, to the satisfaction of the Director of said department.
16. The maximum height of all structures shall not exceed 35 feet above grade.
17. A minimum of two (2) on-site covered parking spaces shall be maintained and made continuously available for vehicular parking as shown on the approved Exhibit "A."

MK:TM
12/28/10



COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

KEN HABARADAS, MS, REHS
Acting Environmental Health Staff Specialist
5050 Commerce Drive
Baldwin Park, California 91706
TEL: (626) 440-5280 • FAX: (626) 960-2740



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Don Knabe
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Michael D. Antonovich
Fifth District

June 1, 2009

Philip Estes, AICP
Principal Regional Planner
Zoning Permits Section
County of Los Angeles
Department of Regional Planning
320 West Temple St.
Los Angeles, CA 90012

RE: CONDITIONAL USE PERMIT (CUP) NO. CUP 2009-00005
PROJECT NO. R2009-00128
Location: 771 Latigo Canyon Road, Malibu

Public Health recommends approval of this CUP.

Public Health does NOT recommend approval of this CUP.

This is in response to the Project Consultation for the above referenced project that was forwarded to this Department for review and comment. Staff from this Department's Bureau of Environmental Protection has reviewed the information provided and has no objection to the approval of the CUP. This conceptual approval is intended for the project review process only and does not authorize any land development until the following conditions have been satisfactorily fulfilled:

Wastewater Disposal

1. Prior to construction / installation of an onsite wastewater treatment system (OWTS), a complete report demonstrating the feasibility of installing an OWTS for the proposed residential unit shall be submitted to this Department for review and approval. The report shall be prepared in accordance with the requirements outlined in the Department's guidelines, "Application Procedures for Approval of an Onsite Wastewater Treatment System (OWTS)."

JUL 08 2009

2. Public sanitary sewers are not available within 200 feet of any part of the proposed subdivision and the project is dependent upon the use of an OWTS.
3. The applicant is advised, that in the event that the requirements of the Plumbing Code cannot be met on certain lots, due to future grading or for any other reason, the County of Los Angeles Department of Public Health will deny issuance of a building permit.

For any questions regarding OWTS, please contact Patrick Nejadian, Chief, Land Use Program, at (626) 430-5262.

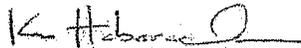
Potable Water Supply

1. Potable water will be supplied by the Las Virgenes Municipal Water District, a public water system, as proposed in the Zoning Permit Application. Prior to the approval of a OWTS permit, the applicant shall provide the Department with a copy of a current letter on company letterhead stating the company will supply potable water to the development on individual meter and will maintain all water supply infrastructures up to each lateral.

If you have any questions regarding potable water supply, please contact Mihye Shur, Chief, Drinking Water Program, at (626) 430-5370.

If you have any general questions regarding the approval procedures or would like to request additional information, please let me know.

Sincerely,



Ken Habaradas, MS, REHS
Bureau of Environmental Protection



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: December 22, 2009

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2009-00128

LOCATION: 771 Latigo Canyon Road, Malibu (Co.)

- The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. _ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- Verify __ 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). A Preliminary Fuel Modification Plan shall be submitted and approved prior to the Public Hearing. For details contact the Fuel Modification Unit, Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.
- Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.
- Water:** Fire flow performed by Las Virgenes Municipal Water District on 09-28-09 is adequate.
- Access:** Fire apparatus access is adequate as depicted on the Site Plan dated 09-22-09 on file in the LDU office.
- Special Requirements:** AN AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN EVERY OCCUPANCY LOCATED IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE AND IN THE MALIBU-SANTA MONICA MOUNTAINS AREA. (LACFC 903.1.1.2)
- THE INSTALLATION OF A POOL DRAFT HYDRANT MAY BE REQUIRED. THIS SHALL BE DETERMINED DURING THE BUILDING PLAN CHECK PHASE AND PRIOR TO ISSUANCE OF A BUILDING PERMIT.
(LACFC 508.5.1.1 & LACoFD Regulation 26)

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: **SCOTT JAEGGI**



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

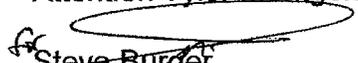
December 28, 2010

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

Attention Tyler Montgomery

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 2000900005
PROJECT NO. R2009-00128
700 BLOCK LATIGO CANYON ROAD
ASSESSOR'S MAP BOOK NO. 4464, PAGE 10, PARCEL 8
UNINCORPORATED COUNTY AREA OF AGOURA

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for CUP No. 200900005 in the unincorporated County area of Agoura, located at the 700 block of Latigo Canyon Road. The proposed project consists of the construction of new single-family residence.

Upon approval of the site plan, we recommend the following conditions:

1. Grading

- 1.1 Submit a grading plan to Public Works' Land Development Division for approval prior to issuance of a building permit. The grading plan must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, the Standard Urban Stormwater Mitigation Plan, Low-Impact Development devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

For questions regarding the grading comment, please contact Sam Richards at (626) 458-4921 or srich@dpw.lacounty.gov.

2. Road

2.1 The proposed driveway bridge must be constructed outside of the road right of way including the footing and abutment. Submit plans and calculations for the driveway bridge, for review and approval, to Public Works' Building and Safety Division.

2.2 Construct pavement with concrete gutter to join the new driveway bridge and roadway to the satisfaction of Public Works.

2.3 Acquire street improvement plan approval or direct check status before obtaining a grading/drainage permit.

2.4 Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the road conditions, please contact Sam Richards at (626) 458-4921 or srich@dpw.lacounty.gov.

3. Geotechnical Engineering

3.1 Provide geotechnical and geology reports that address, but are not limited to, slope stability and that recommends mitigation at the building/grading stage as necessary.

For questions regarding the geotechnical conditions, please contact Jeremy Wan at (626) 458-4925 or jwan@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:ca

PROJECT R2009-00128_CUP 200900005_APN4464-010-008700BLK LATIGO CYN_FIANL.DOCX



09-00128

Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

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

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

1. THE PROPOSED USE IS A SINGLE FAMILY DWELLING WHICH IS WHAT THE AREA IS ZONED FOR. THERE IS NO ASPECT OF THE PROPOSED SINGLE FAMILY DWELLING WHICH WOULD BE DETRIMENTAL TO THE RESIDENTIAL NEIGHBORS NOR WOULD THE PROPOSED S.F.D. JEOPARDIZE, ENDANGER OR OTHERWISE CONSTITUTE A MENACE TO THE PUBLIC HEALTH, SAFETY OR GEN. WELFARE.

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 PROPOSED SITE IS 8173 S.F., WHICH IS AMPLE FOR A STRUCTURE OF THIS SIZE. THE PROPOSED DWELLING WILL MEET FRONT, REAR AND SIDE YARD SETBACK REQUIREMENTS AND THE OPEN SPACES WILL BE LANDSCAPED WITH DROUGHT-TOLERANT PLANTS WHICH WILL BE BLENDED WITH THE NATURAL FLORA OF THE AREA.

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 SITE IS ACCESSIBLE DIRECTLY FROM LATIGO CYN. RD. AND WILL INCORPORATE ANY FUTURE WIDENING PLANS OF THE COUNTY. ALL LOTS IN THE AREA REQUIRE ON-SITE SEPTIC SYSTEMS, BUT WATER IS SUPPLIED BY THE LOCAL WATER DISTRICT: LVMWD.

Montgomery, Tyler

From: Mark J. Leonardo [mjl4law@earthlink.net]
Sent: Sunday, December 19, 2010 11:25 PM
To: Montgomery, Tyler
Subject: Re Permit R2009-00128 for 771 Latigo Canyon Road - RCUP 200900005

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Montgomery

My family and I reside directly across the street from this proposed home. I went online to review the "materials" and all that I could find was a one-page document with a brief project description. I would imagine that there must be other materials on file before a CUP will be issued here and from reading about the process online, it appears many documents must have been submitted by the applicant to get through the evaluation process before it is set for a hearing.

Generally speaking, while I do not want to interfere with a landowner from building on his/her property, this building will certainly affect my family and our property since we are the closest to it. This would impact ingress and egress from our home onto Latigo Canyon Road which is a major concern because it is already very dangerous given the terrain, the curve of the road, and the inability to see when we back out of our driveway. Our personal view shed will be impacted greatly as any structure much higher than the level of the road will block our view of mountains, sunset, etc., which is one of the main reasons we chose to live where we do. A 35 structure above the road level would be akin to the Green Monster wall at Fenway Park suddenly being installed 15 from your driveway. It would affect views, sunlight and value of our home, in addition to the safety factor, which is of utmost importance since we have 4 children.

I know that the Burden of Proof to obtain a CUP requires that the following use of the property will not occur:

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.

As for item 1, obviously the construction alone will affect the "peace and comfort" of our family. But after that, the added noise from a home so close to hours, particularly in a neighborhood designated as 1 unit per 5 acres, would affect our "peace, comfort and welfare."

As for item 2, a home of the magnitude proposed would certainly be materially detrimental to the enjoyment of our property because of the affect on the view we presently have and enjoy. This can only diminish the value of our property and there is no possibility of such a home increasing our home value or keeping it status quo.

As for item 3, without knowing how ingress and egress from Latigo Canyon is proposed, this could be an added danger to the one that already exists. In fact, if I recall correctly, when a CUP was applied for by a prior owner for this same property and several others contiguous to it, the CUP was denied,

citing the safety of traffic as one of the major reasons. This simply cannot be overlooked. I believe this also ties into the applicants other burden of proof which states that the the proposed site of the project "is adequately served: by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate,..."

The final burden of the applicant is to ensure that the use of the project has adequate size and shape "to integrate said use with the uses in the surrounding area." There are no other houses this close together in the neighborhood where one would block the view of another and affect sunlight as well. Thus, as we envision where the home would be built, it certainly would not "integrate" with the uses of the surrounding area.

I also point out that the slope where the home would be built is **extremely steep**. The home would have to be built on casons, pilons and/or stilts, and would be the only one of its kind in the neighborhood.

Without knowing what the applicant truly intends to do here, we will object to the issuance of a CUP based on the foregoing reasons.

If there are more materials available for us to review, kindly direct my attention to where we can review them or send them to me at this email address. If there is another mechanism for me to object besides emailing you, please let me know what I should do in that regard.

Thank you.

Mark J. Leonardo, Esq.
LAW OFFICE OF MARK J. LEONARDO
25019 Pacific Coast Highway
Malibu, CA 90265

(310) 456-7373
(310) 317-7261 (fax)

website: <http://www.leonardo-law.com>



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4232 Las Virgenes Road
Calabasas, CA 91302
(818) 251-2100
Fax (818) 251-2109

WESTLAKE
FILTRATION PLANT
(818) 251-2370
Fax (818) 251-2379

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Fax (818) 251-2349

www.lvmwd.com

MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
OF SOUTHERN CALIFORNIA

April 15, 2010

CONDITIONAL STATEMENT OF WATER SERVICE

TO WHOM IT MAY CONCERN:

SUBJECT: 771 Latigo Canyon Rd.
Malibu, CA 90265
APN 4464-010-008

This is to advise you that the proposed water system for the subject property will be operated by Las Virgenes Municipal Water District (LVMWD).

This project will be assured of connection to the water system of the district only if the proponent also satisfies all terms and conditions for service as set forth in the district's Code.

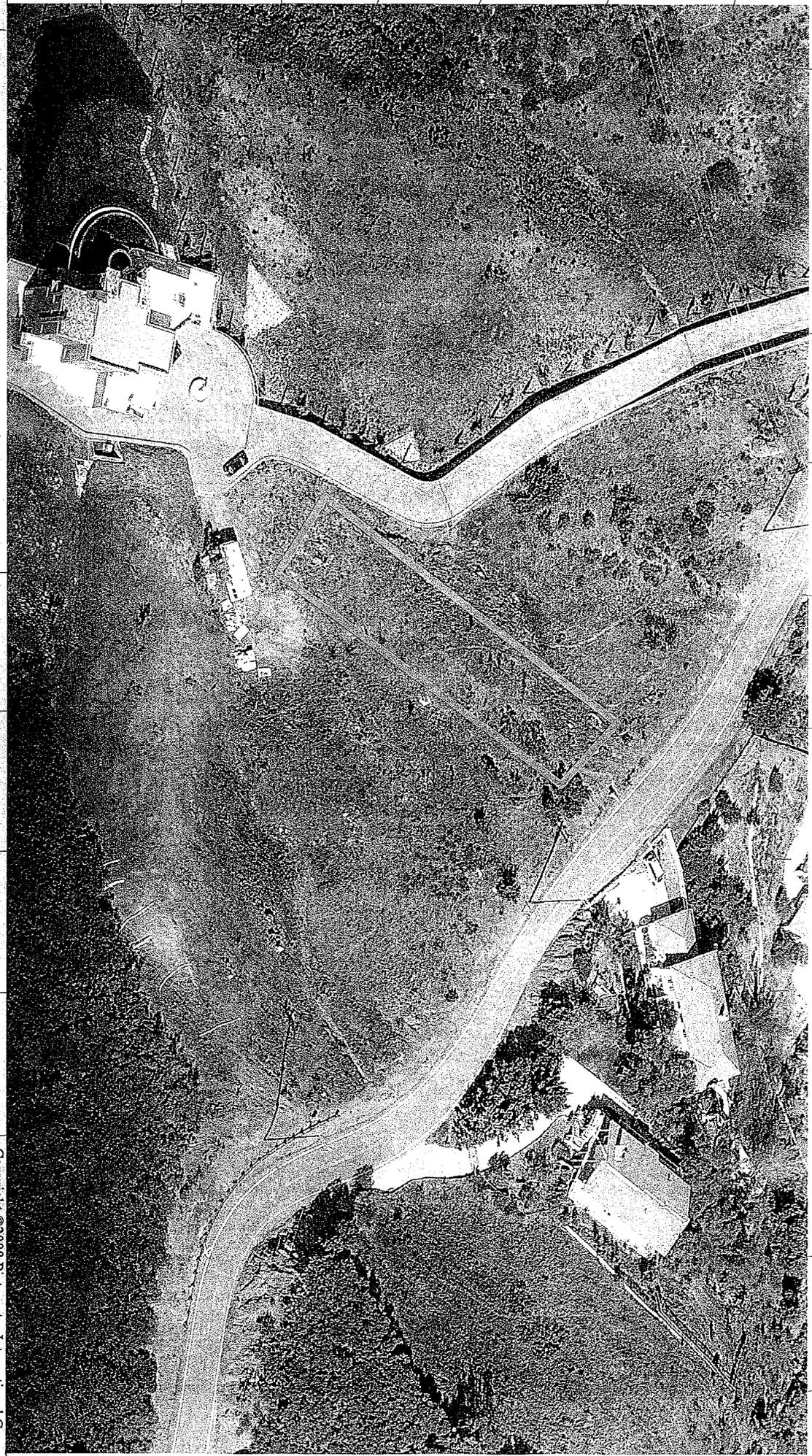
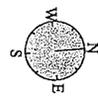
Potable water capacity fees, (connection fees), have not been paid for this project.

If the applicant's property cannot be served from an existing water main, then the applicant shall provide for the extension of the facilities necessary to provide such service in the manner set forth in Title 3 of the Las Virgenes Municipal Water District Code, Ordinance No. 11-86-161.

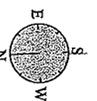
Sincerely,

Phyllis Southard
Planning & New Development Technician

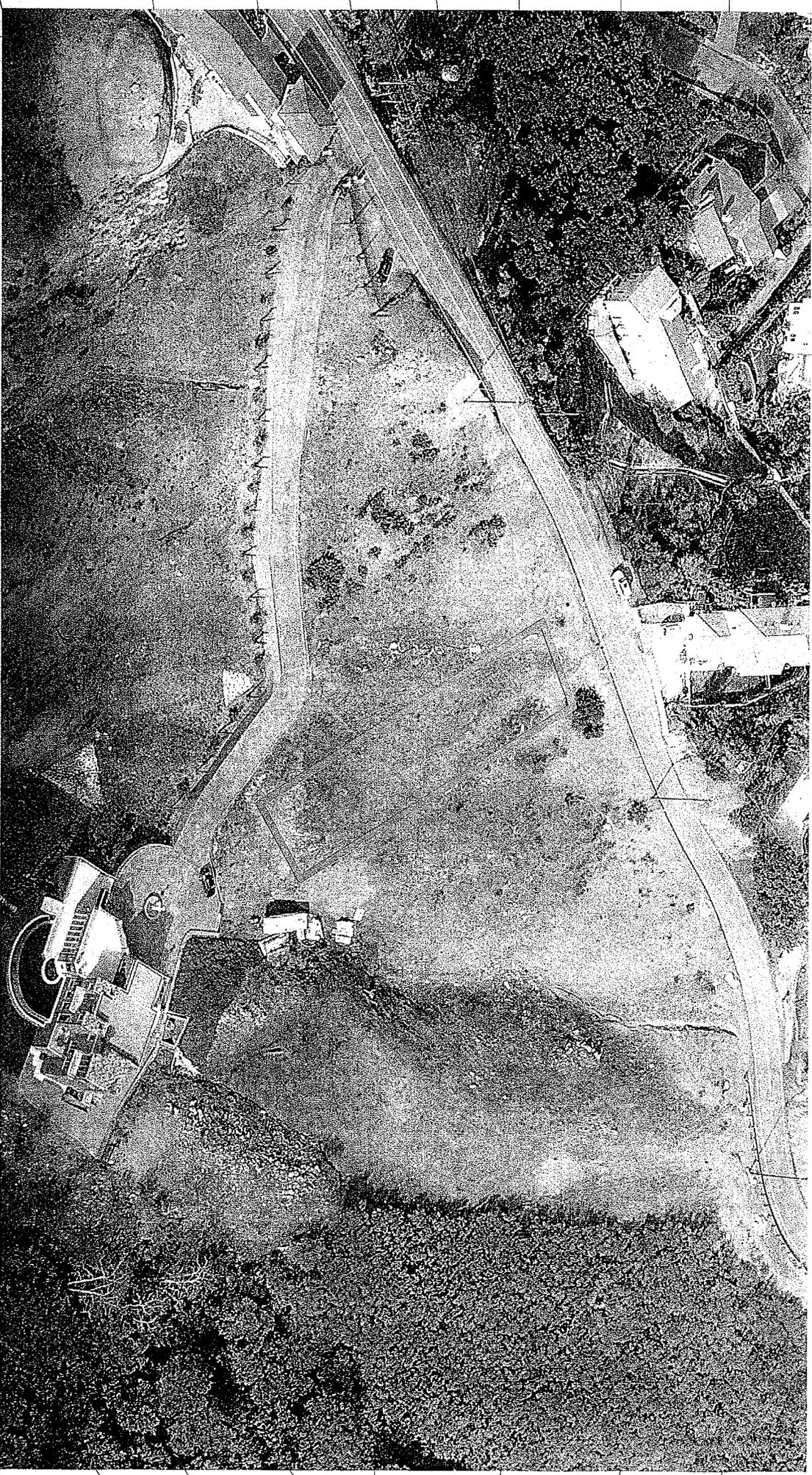




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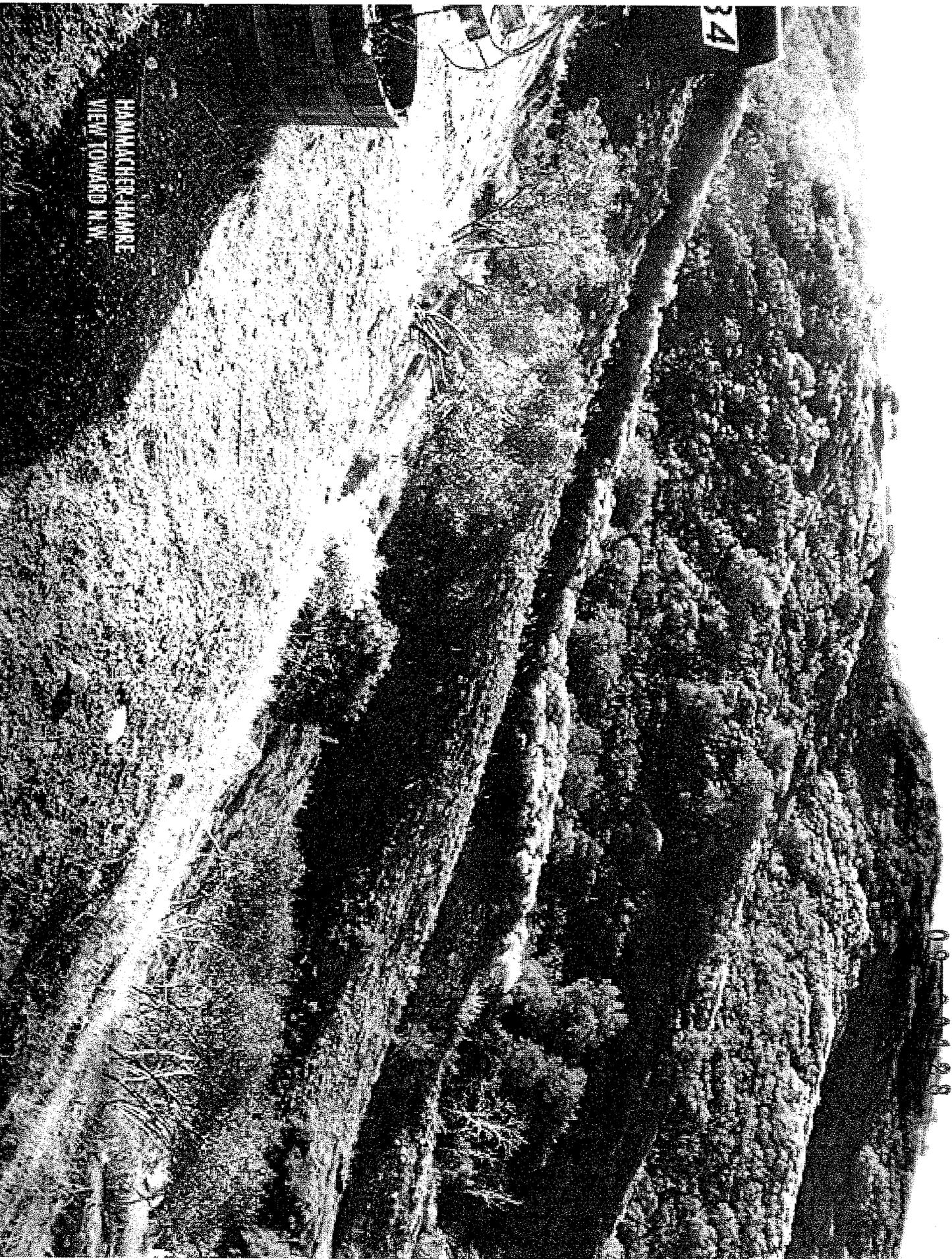


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PAVING CONTRACTOR
VIEW TOWARD N.W.

09-00128



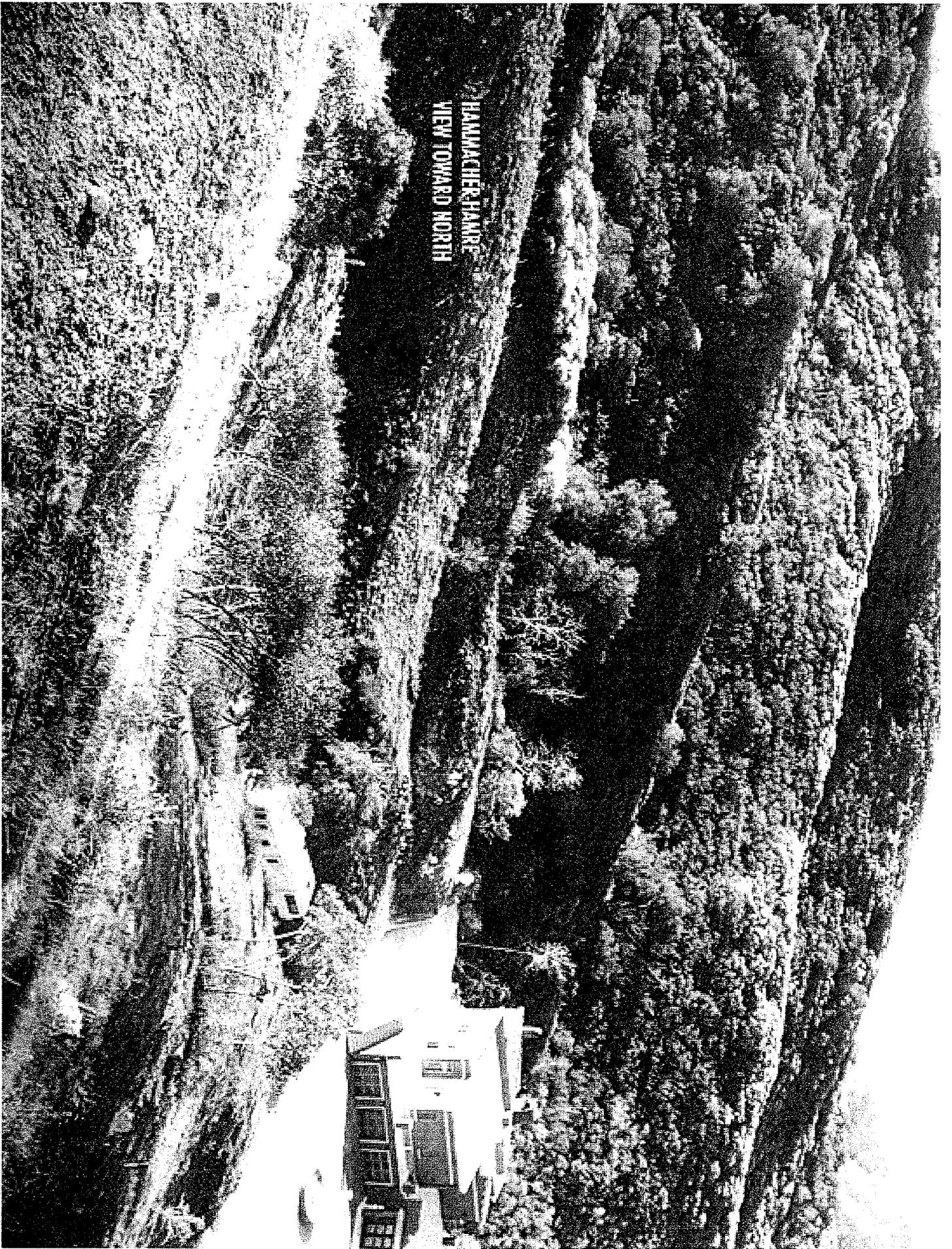
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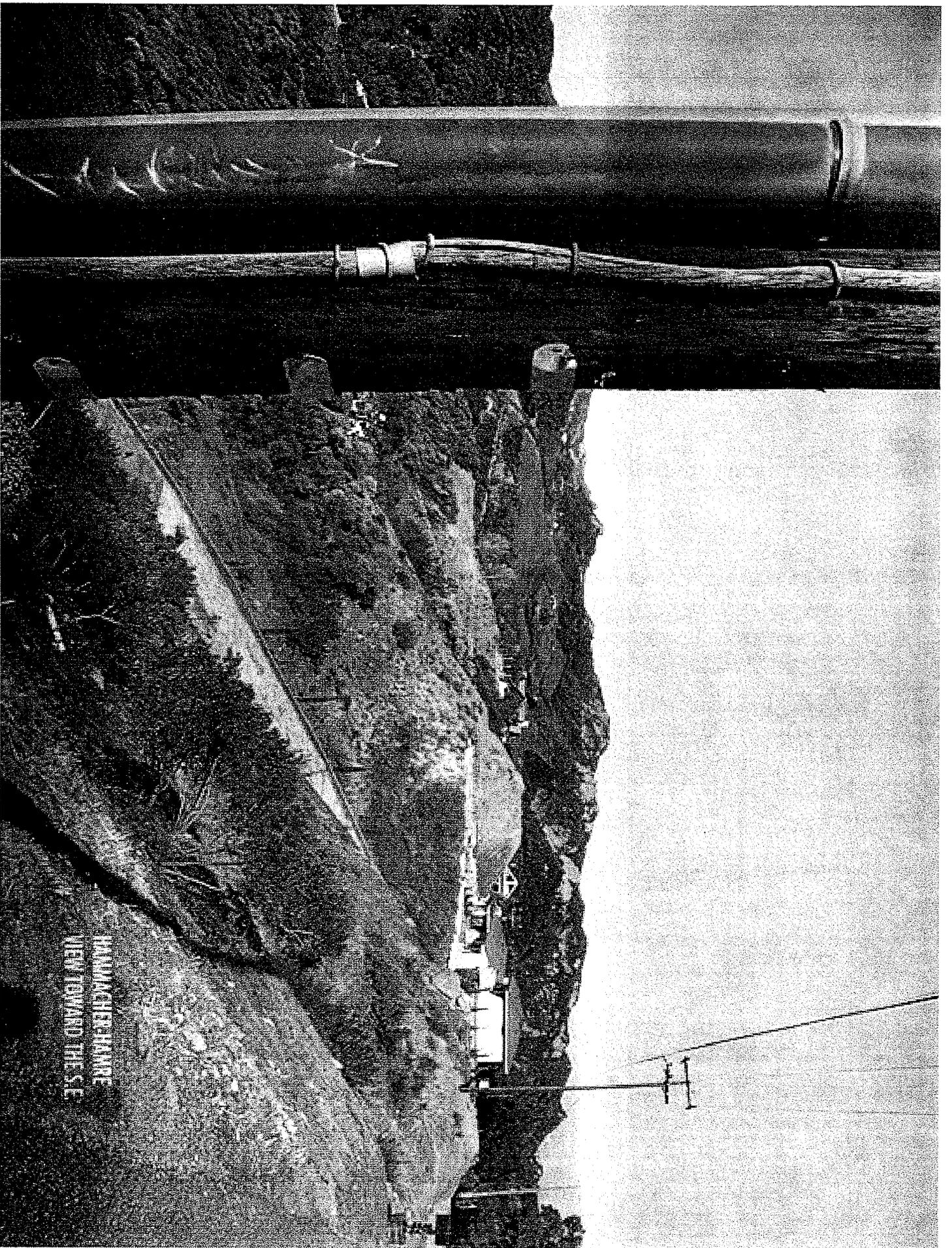
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