Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 11, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marny Randall
909 Euclid St.
Santa Monica, CA 90403

REGARDING: PROJECT NUMBER R2009-01295-(3)
OAK TREE PERMIT NUMBER 201000012
ENVIRONMENTAL ASSESSMENT NUMBER 201000020
2701 April Road, Agoura Hills, CA 91301

Dear Applicant:

The Regional Planning Commission by their action of October 5, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants become effective.

The decision by the Regional Planning Commission for this grant is final. Please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on any other matter pertaining to these approvals, please contact **Rudy Silvas** of the Zoning Permits III (West) Section at (213) 974-6462, or e-mail at rsilvas@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Mi Kim, Acting Section Head
Zoning Permits III (West) Section

Enclosures: Findings and Conditions, Project Mitigation Measures, Affidavit (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement

MKK:RS

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

PROJECT NO. R2009-01295-(3)
OAK TREE PERMIT NO. 201000012; ENVIRONMENTAL ASSESSMENT NO. 201000020

REQUEST

The applicant requests an Oak Tree Permit to remove four oak trees and encroach into the protected zone of fifty-one (51) oak trees, with pruning of limbs greater than two inches in diameter of an additional five oaks, required under Los Angeles "County" Code Section 22.56.2050, with the Burden of Proof under Section 22.56.2100 to be satisfied, in order to widen an access road (April Road) to site per County Fire Department requirements, and for placement of a new Edison conduit beneath a section of the access road. The applicant also requests Site Plan review and approval pursuant to County Code Section 22.56.1670, for proposed construction of new residence, detached guest house and swimming pool. A new stream culvert and footbridge will require a separate California Department of Fish and Game 1602 Permit (Streambed Alteration Agreement), and a U.S. Army Corp of Engineers 404 Permit. The four oaks to be removed are located on State Parks land. The subject site is located in the A-1-20 zone (Light Agricultural - 20 Acres Minimum Required Lot Area), with OS zone (Open Space) over access road entrance near Mulholland Highway. The County is requested by the project proponents to vacate the April Road entrance from Mulholland Highway, which will be acquired by the State. An encroachment permit for work on April Road entrance must be secured by applicant from County Public Works, if work begins prior to vacation.

REGIONAL PLANNING COMMISSION HEARING DATE: AUGUST 24, 2011

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A duly noticed public hearing was held on August 24, 2011 before the Regional Planning Commission. Staff gave a presentation recommending approval for the Oak Tree Permit application to allow the removal of four (4) oak trees, including one (1) heritage oak, and the encroachment of up to fifty-one (51) oaks for the proposed road widening and Edison conduit installation.

During the presentation, Staff stated that State Parks was still interested in trying to save Oaks No. 19, 20 and 21 and was attempting to see if the County Fire Department would allow crimping of the access road improvements to less than fifteen (15) feet. Staff reported that a representative from State Parks would address the Commission on this issue.

Following the presentation, the Commission had several questions for Staff regarding the placement of trailheads, and on Udell Motorway which is an old fire access road used for hiking and horseback riding trails. The Commission stated the Udell Motorway extension could provide an opportunity for a trailhead which could be used by the public for hiking and equestrian purposes. The Commission questioned the size of oak tree replacements and why they could not be larger. Staff responded that according to Department biologists, smaller trees would have a better survival rate but that the County Fire/Forestry Division Staff were available to better answer this question. The Commission questioned maintenance of trees in relation to the road, and also questioned who would maintain the footbridge? The Commission also commented on the access road and asked the Commission's Fire Representative about clearance for Fire trucks to traverse the access road and the road widening issue. The Fire Representative responded that the access road would be required to be twenty (20) feet wide, with the exception of no less than fifteen (15) feet wide in the section near the three oaks to be removed, and that a thirteen (13) feet – six (6) inch vertical clearance must be maintained at all times, but was not clear on whether the applicant or State Parks would be responsible for maintenance. The Fire Rep also stated that the Fire Department does go out and conduct annual inspections for brush clearance and for vertical clearance above the road. The Commission expressed concern that as vehicles approach the fifteen-foot wide section that there should be a warning sign or some indication that the twenty-foot wide road is about to narrow to fifteen-feet. The Fire Representative reiterates the concern for the line of site on the access road and will limit road narrowing to fifteen (15) feet only.

The Commission also questioned the placement of the waterline for the private residence. Staff was not clear on the full extent of waterline improvements that will be required by Las Virgenes Municipal Water District. The Commission expressed concern about service lines across property lines. Staff responded that the applicant could better answer the question of the water lines.

The Commission also questioned an easement for use of the riding facility across the neighboring property to the north. Staff responded that the applicant would be more well versed in answering that question. The Commission asked if Parks and Recreation had commented on establishing a trailhead, and also expressed concern that State Parks would not likely want to have a trailhead due to State Parks financial situation, no funds available to finance or maintain such a trailhead. Staff responded that County Parks and Recreation had no comments on trail issues, even though they were consulted with a full CEQA consultation package. Staff also stated that State Parks had no comments on trail issues when consulted.

Ms. Marny Randall, the applicant and representative for the owners of the private property testified. Regarding the easement question from the Commission, she confirmed an easement over State Park's property serving the lower existing building site in the southwest corner of private property where the existing house is to be

removed, and that an easement over private property to the north allows her clients access to the equestrian facility. The applicant stated they have worked with State Parks to plan the placement of a footbridge over the existing drainage channel to allow hiking access from State Parks property to the area trail system, instead of having them go up the driveway which can be unsafe due to vehicle traffic. The applicant states that access to the trail system will be from State Park's land. Applicant states that State Parks is still asking the Fire Department for reduced road width to save three of the four oak trees, but to move the driveway in the opposite direction from the three younger oak trees attempting to be saved would put the road in the stream and that needs to be avoided. The applicant states that the size of replacement trees can be addressed by the County Forestry Division. Applicant states that the waterline is already in, a ten (10) inch waterline installed by the previous property owner who was a public utility contractor and placed it in for Las Virgenes Municipal Water District (LVMWD). Proposed undergrounding for electrical Edison conduit would just be along the building side, removing only four or five poles. These are the lines visible from the building site. This would not have an effect on the power supply to the property to north. The conduit has to be installed first before removal of poles takes place.

The applicant stated that there is a potential issue with an Affidavit that needs to be signed which would indemnify the County; however the State does not indemnify other agencies. The applicant stated the need to do the testimony at the hearing to get the Commission's input, and to do a continuance so that the Affidavit can be properly structured. Working with the State, the applicant's clients will be doing restoration. Trees will be coming off the State property and replacement trees will be going on to the State property, restoration of the drainage channel will be done where it was filled in by the previous property owner. Vegetation removal of exotics and replanting of natives where grading will occur will be done. Access road has been in existence for 60 years, house above clients' property has been in existence for 60 years. The access driveway must be widened to meet the Fire Department's requirements.

The Commission stated there is a lot of accommodation being granted in relation to the oak tree permit (modification), yet nothing in relation to the public benefit; in relation to the topic raised on trails (trailhead) to enhance the public's use, in particular for the Udell trail, although that would not be the only trail available for the public's use. The applicant responded that they have talked with State Parks and they would like the trail to take off from the driveway lower down, not continue up driveway. From clients' driveway it would have to continue up the property to get to the old Udell Fire Road, and there is no room for the trail next to the access driveway for this. It seemed a better solution to have the footbridge to create a path for people to walk over. People already use an existing earthen bridge to cross the stream which leads to a connection to the public trail system that comes off of State Park property. The applicant's client would make the improvement of providing a new foot bridge. The Commission questioned if it goes on to the access roadway (pathway). Applicant responded that it does not, from the bridge it goes up into the trail system. The Commission questioned how it goes up

to the Udell Trail, how does it connect? The applicant responded that she did not know, but believed it would have to go up and loop back towards the Phantom Trail, which connects to the Udell Trail. Staff displayed a map for assistance. The Commission asked for information to be brought back clarifying trails on site, and where trail from footbridge connects to Udell Trail.

Suzanne Goode from State Parks began her testimony. She stated that she has been working with Ms. Randal the applicant for over a year, believed that the applicant's proposal is a good project, that they have proposed things that they welcome such as removal of exotic vegetation (i.e. Eucalyptus trees), trash removal just inside entrance from Mulholland Highway, and have agreed to replace an earthen covered culvert on the creek with a new footbridge to allow access for the public to the old fire road trails on the site. The State does not support a trailhead on State Parks property at this location. There is a greenhouse facility there that they have concerns for from vandalism. There is a trail head a short distance away at Reagan Ranch at the intersection of Cornel Road and Mulholland Highway. State Parks has considered rerouting the Yearling Trail which goes through the Reagan Ranch area and which could be made to have a connector to the entrance at April Ranch Road. Due to an apex at the entrance from Mulholland Highway which impairs visual capability, the State does not want to have the public parking vehicles inside, but they do welcome bikers and hikers. The Applicant will leave an opening for them in their gate, which will be a positive feature to keep out illegal trash dumpers on the site. Access from Reagan Ranch to the site would be possible for riders and hikers. State Parks expects to maintain the footbridge once installed. The applicant has a sixty-four (64) foot wide easement on April Road through the State Park property. The easement language does allow them to work outside of the easement on State Park land for any work that is required to widen or maintain the access road. The three oak trees that are to be removed, where the access road has also been allowed to narrow down to fifteen (15) feet, are very close together, within 30 to 40 feet of each other, so it is a very short stretch of road that is requested to be fifteen feet. State Parks states that these trees are just inside the applicant's easement, or they just fit the definition of being outside the easement. It is recognized that the applicant has the right, per the easement language, to remove the trees for road improvement purposes. However; not attempting to obstruct this permit, State Parks requested the County to consider a road width more narrow than fifteen (15) feet for this stretch. There is ample visibility to the north and to the south along the road from this location. There are wide areas, such as where the State Parks residences are located which has a parking area, and to the north of the trees where it widens out and comes close to the intersection where the road goes off to the house on private property that is to be removed. State Parks would like the County to consider reducing the road along this 40 to 50 foot stretch down to twelve (12) feet in order to save the three oaks. It is unlikely that two fire trucks would ever pass each other in this area with only two residences located here. State Parks does not want the road moved closer to the creek, they would rather lose the three oak trees than let that occur. State Parks does appreciate the work that the applicant is willing to do in the

creek because it will make the environment better. State Parks agreed to accept all of the replacement trees, and their sizes, that are required by this Oak Tree Permit. State Parks prefers to have the trees as small as possible. Large box trees would require the use of heavy equipment to be brought on to State Parks property, digging larger holes and disrupting the soil more, which has the potential to disturb possible archaeological sites there. State Parks prefers the least amount of disturbance possible, a one or fifteen gallon oak tree can be planted with a shovel.

The Commission questioned the trail head on the Reagan Ranch or State Property on the corner of Mulholland and Cornell, not familiar with a trail that would go up into April Canyon from there, expressed concern about having to traverse down and come back up to the Phantom Trail which zigzags, and can be awkward to hike or ride a horse on. Commission suggests a trailhead, or parking area for hiking, should be located somewhere mid-point, but State Parks has not appeared interested. Suzanne Goode of State Parks responded that they have been looking at re-routing trails in the area. The Yearling Trail which leaves from Reagan Ranch and then proceeds to the east is in poor condition, not properly designed, looking at moving current trail alignment and moving it closer to Mulholland Highway. State Parks' trail coordinator is working with National Parks at looking at improving the whole trail system in the area. There are opportunities for future trail connections from Reagan Ranch and Paramount Ranch that could connect in the overall trail system, granted that currently there are some old fire roads in the area that are not maintained, but the Phanthom Trail is maintained and State Parks would like to connect it to the old fire roads in Udell Gorge and around April Road, and then over to Paramount and Reagan Ranch. There is a future opportunity for a connector and to have parking at Reagan Ranch, and have hikers go up the new Yearling Trail, then up a spur to Mulholland Highway. The Commission asked if the trail could be seen going east of the project area along the ridgeline, to which Suzanne Goode responded yes. They are also looking at a connector trail to the west, down to paramount ranch, but do not have the details at this point. State Parks Trail coordinator is aware of this plan, but Suzanne Goode did not have a chance to discuss it with him. State Parks is working with Ms. Melanie Beck at the National Park Service on the trails. The Commission questioned an area in the northwest corner of the State Parks' property that appeared to be a trail, but Suzanane Goode explained that it was a geotechnical scar. There is a potential to widen and improve that area into a trail. The Commission also questioned whether the applicant would be willing to allow a trail in this location, in the southwest corner of their private property, to which a trail could be placed going north to south or west on the property at a future date. This would provide means for the continuance of a trail. State Parks stated they would like to keep all trails on State property. Suzanne Goode (State Parks) stated she could not speak with respect to alignments and grades and to where exactly that trail might go, but if possible would like to keep the trail on the State Parks property. State Parks would have to speak with the private property owner with regards to any easement through their property for a new trail.

State Parks commented that the trash pile the Commission referenced to is recent, and that there have been other trash piles that have been cleaned up by the applicant. They do have a facility on the slope above where the highlighted trash pile is at that they wish to protect, so the pile of trash will be cleared up quickly. State Parks looks forward to the gate being installed that would help prevent such illegal dumping, but they have not really thought much about allowing parking above this area, which may be something they would look at in the future and be able to do; it is not contingent upon approval of this project.

State Parks reiterated their preference for the replacement oaks. However, replacement with acorns, one gallon or fifteen gallon trees cannot replace the habitat value of the three oak trees to be removed.

Applicant provided final testimony and stated that acorns will be planted with the replacement trees, and also understood the replacement trees do not replace the cost of what is to be removed, but to do so would require a change in the ordinance, which would be very detrimental to the oak population in the county. The cost would be astronomical. The Commission expressed concern about the trail over the lower left corner of the applicant's clients' property, and if there already was an easement there. The applicant responded that the former owner granted an easement with the former property owner of land that now is owned by State Parks. With regard to Udell Motorway, the trail would take off from the other side of the footbridge and could possibly cross the right corner of the applicant's clients' property. The applicant asked the Commission if they would like this addressed where the trail would connect to? The Commission stated that they did not know how a trail came down into this area and joined the property in that zone. If there is a need for a trail form the footbridge, it is unknown where it goes. The Commission stated that this could be brought back and explained as a cursory item.

Suzanne Goode (State Parks) will have their trails coordinator look at connection of Udell trail to footbridge in response to the Commission's questions about connection of trail to footbridge. Fire Representative stated again that fifteen (15) feet would be the minimum width the access road would be allowed to crimp to in front of the three oaks to be removed. The Commission commented that Fire's Forestry Division's Condition No. 14, for two years maintenance on the oaks, is inadequate and should be seven (7) years to match the Mitigation Monitoring Program. Also, MND states on-site tributary stream to Malibu creek, should state it is "intermittent" because it is a dry stream bed. The Commission questioned the Public Works Representative on grading, stated he did not see soil/retention dams or collection areas, questioned if this had been reviewed by Public Works for retention basins? Public Works Representative responded that Building and Safety is looking at grading plan, would report back to the Commission to see if these elements are imposed into the grading plans. The Commission stated that for utility trenching it needs to be stated that the use of hand tools is required, no

backhoe use. The Commission was not time certain on other issue to be resolved, (i.e. Covenant and Affidavit). Staff states they can continue to anytime in September, with exception of Septemebr 28th, and suggests October 5, 2011. Staff also reports the issue to be resolved between the applicant and State Parks regarding a required covenant to be executed, which would indemnify the County, for work to be done on the proposed culvert below the access road on State Parks land. The Commission moved to continue the public hearing to October 5, 2011.

REGIONAL PLANNING COMMISSION HEARING DATE: OCTOBER 5, 2011

CONTINUED PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A continued public hearing was held on October 5, 2011 before the Regional Planning Commission. Staff gave a presentation of the updated Findings and Conditions prepared following the previous public hearing of August 24, 2011. The updated Findings presented were Nos. 9, 13, 15, 18, 19 & 20.

Staff presented the updated Findings and Conditions in response to the Commission's comments following the previous hearing, and covered the update to the Mitigated Negative Declaration as follows: that the on-site stream was "intermittent"; that the issue of trails had been addressed by State Parks, including an aerial graphic presented depicting the new connector trail proposed through State Parks property; that a response from County Public Works was received indicating the use of best management practices (BMPs) and a storm water pollution prevention program (SWPPP) for the project and no requirement for retention basins; that the County Fire Department responded that they will maintain Condition No. 14 requiring two years maintenance on replacement oaks in their letter dated September 9, 2010, and will refer to the conditions of the Oak Tree Permit to utilize the Mitigation Monitoring Program to regulate the time on maintenance or the replacement oak trees to seven years; and that the County would allow the project to move forward with the subsequent execution of a Covenant between the applicant and State Parks for work to be done on a culvert below the access road on State Parks property, maintaining that the County continue to be indemnified. In addition, Staff presented an updated set of conditions for the project, which contained a clear definition of the "permittee" as it pertains to this project and the required Affidavit, once a project has been approved, and also defined the responsibilities of the "permittee".

Staff informed the Commission that the applicant was late, but wished to testify before the Commission. The Commission voted to table the item until the applicant arrived.

Ms. Marny Randall, the applicant and representative for the owners of the private property arrived and testified. The applicant stated that her party agreed to the updated findings and conditions prepared by Staff, that all questions appeared to be properly

addressed. Ms. Randall clarified that the new trail proposal by State Parks would be completely on public land. The applicant stated that they were happy to accept all conditions and mitigation measures for the project.

The Commission responded that there remained a question of future trails, in particular the Udell Trail which could necessitate a trail on private property. The Commission posed the question to the applicant if they would be willing to agree to a general condition to allow a trail in the future for State Parks to use, which could go through the applicant's private property in the southeast corner on the opposite side of the creek. The applicant responded that she was not in a position empowered to make that offer. The applicant stated that her clients, who have been working with State Parks for the purposes of this project, would be willing to talk with State Parks should the need for another trail arise in the future but are not prepared to offer anything at this time. The applicant further stated there would be many issues to address in such an offer, such as liability and indemnification.

The Commission posed a question of concern, in relation to best management practices, to control nitrate runoff from the horse riding ring surfaces. The applicant responded that the horse riding ring was not a part of the project proposal, and that previous grading and drainage approvals related to the horse riding were done and inspected by the County. Staff confirmed for the Commission that the horse riding ring was existing and located on the applicant's private property. The Commission continued to express concern that large quantities of nitrate could enter the stream through runoff from the riding ring, and that there should be more specific management practices for controlling this other than using the broad best management practices.

The applicant reiterated some of the contributions the project would have on controlling debris dumped on the site illegally, which would also protect the stream. The applicant stated that they are only being required to widen the road because of County Fire Department requirements, and that the applicant is doing this so that the single family residence can be built.

The Commission questioned whether the removal of the footbridge over the streambed in this project would require riders and hikers to use the access road to go all the way up to the Udell Trail. The applicant responded that riders and hikers could still use the streambed to traverse up to the trail because it is an intermittent stream and dry most of the time.

Suzanne Goode of State Parks testified that there is a culvert located in the creek where people can cross. The culvert is covered with earth. State Parks stated that in the future when a new trail is placed in the area, a footbridge will be located over the creek where the culvert is, or at another location, but State Parks will not remove the culvert until the footbridge is installed. The Commission questioned where hikers and bikers currently go to get across. State Parks responded that the area is currently

overgrown and that it is difficult to get across the creek, but when the proposed trail is established in the future, it will facilitate means of getting across. The Commission questioned the ability for riders and hikers to get over to Paramount Ranch to the west through an existing trail. State Parks responded that they intend to use an area which had been disturbed by the previous land owner for geological exploratory purposes as trail access, but currently there is little or no way to get over to the west. The Commission stated that the equestrian users that currently go up Cornel Road use some trails to get up to the east and into the mountain area. State Parks responded that it is their understanding that the trails used for such access are to the south of Mulholland Highway, such as the Yearling Trail and the Deer Leg Trail in the Malibu Creek State Park area, which is used to travel from the Cornel Road and Mulholland Highway intersection to points east. The Commission questioned how one would go from the Yearling Trail to the new proposed trail shown on the exhibit map. State Parks responded that they are currently working on re-routing the Yearling Trail, due to the environmental problems associated with the trail, and the desire to remove it from the natural preserve and connect it up to the Cistern and Phantom Trails. The Commission questioned if the trail would be brought up April Canyon to make the connections, State Parks responded that it would. The Commission stated a concern for the use of a loop trail from the Udell Trail, and that if there were no loop it could lead to a disadvantage for hikers, bikers and riders. The Commission stated that a trail could come down from the Udell Trail, mostly upon State Parks property, but there could also be a section which may have to traverse upon private property. The Commission also stated that it appeared that the newly proposed trail would traverse a small portion of the southern section of private property, to which State Parks confirmed that it would. The Commission decided to go into recess so that the exhibit map could be displayed in full color on the overhead screen.

The Commission reconvened and addressed the new trail map exhibit and expressed concern for the road going up to and through private property to meet the Udell trail, as it traverses south to a point where hikers and bikers could go east or west, and stated it would be beneficial to have a trail which go around in a loop for hiking and biking. The Commission was satisfied with the applicant's agreement to talk with State Parks in the future about a connecting trail. A condition was added that the applicant would talk with State Parks in the future regarding trails in the project area, which could include private property.

The Commission commented on the oak tree replanting effort and expressed their desire to have smaller sized tube trees with smaller root zones for a better root zone establishment. The Commission asked for State Parks input. State Parks responded that smaller one gallon trees, with a seven year maintenance plan, were capable of growing and adapting better. The Commission questioned whether the planting acorns in the watering zones would have mycorrhizae methods applied. The applicant confirmed yes.

The Commission called forth representatives from the County's Forestry Division to better address some of the questions asked. County Forestry stated that a unique feature of this project is that it is one of the new projects impacted by the Oak Woodlands Conservation Act, as well as the County Oak Tree Ordinance. Latitude existed for mitigation flexibility in this case, however, the County Oak Tree Ordinance limited the size of oak trees allowed for oak replacement to two fifteen gallon oak trees. County Forestry asked that if the Commission decided to be flexible, given that replacement ratios on the Heritage oak removal is 10:1, and 5:1 for the other three oaks, the replacement trees could consist of what the Commission directed or a combination of two fifteen gallon trees and three one gallon trees for each oak tree replaced with a 5:1 ration requirement (two fifteen gallon and eight one gallon tree replacement on the Heritage Oak). The Commission expressed appreciation for flexibility in this case, but had their concerns for what the current Oak Tree Ordinance required and any attempt to change its requirements. The Commission briefly discussed the Oak Tree Ordinance and the need for protection of oaks, the transplanting and replacement of oaks, the use of acorns to replace trees, in lieu of fees and oak trust funds, what is considered equitable, and the work done by the Forestry Division. The County Forestry Division responded that with every case involving the replacement of oaks there is an option for the applicants to pay into the oak forest special fund based on ISA International Center for the horticultural value of the oak trees being removed. This is the monetary contribution for oak tree removal. County Forestry continued to explain that with the replacement method of a removed oak with new oaks or acorns, the trees that survive could become the next significant oaks in the region. The direct correlation of replacing a removed resource with a new resource is appealing to County Forestry.

The Commission acknowledged the County Forestry's comments, and stated that the issue should be further discussed at a hearing on amending the Oak Tree Ordinance. County Forestry expressed appreciation for the Commission's interest and comments on how the replacement of oak trees are handled, the establishment of new resources, the type of trees and acorns used, and the availability of oak trust funds. County Forestry, in response to the Commission's inquires on the oak trust funds, stated that most of the time the applicants will choose to use the replacement tree method due to the lower costs associated with those efforts. The Commission responded not just to look at the monetary replacement value in cost of the trees to be removed but to look at the replacement of the eco system, and the importance of establishing a viable oak root system. The Commission stated that the Oak Tree Permit process needs to be revisited and updated, to look at the mitigation needed, the value of the trees, and to look at the difference between replacing trees in urban and non-urban settings.

The Commission voted to close the public hearing and adopt the Mitigated Negative Declaration under Environmental Assessment No. 201000020, for Project No. R2009-01295, with the seven year mitigation monitoring period for the replacement oak trees.

The Commission then voted to approve Oak Tree Permit No. 201000012, with attached findings and conditions as modified at the continued hearing to replace the oak trees to be removed with tube trees and acorns in place of fifteen gallon oak trees. County Counsel then stated that the County Code, pursuant to Oak Tree Permit requirements, required a 2:1 replacement ratio with two 15 gallon oak trees for each oak tree removed. Anything in addition could be modified, but two fifteen gallon oak trees are required for each oak tree removed. The Commission acknowledged the requirement, understood that tube trees and acorns could be used beyond the required two fifteen gallon oaks per each tree removed, and voted to approve the Oak Tree permit.

FINDINGS

1. The subject property is located at 2701 April Road, in the unincorporated County area of Agoura Hills. The location is situated with the Third Supervisorial District of Los Angeles (County), and within the Santa Monica Mountains North Area Community Standards District (CSD).

2. Subject property area (privately owned portion where new residence is to be built) is depicted as a large square parcel, with depiction of the pad location, access road, proposed residential and guest house structure locations, swimming pool, existing residential structure to be removed in southwest corner of site, private equestrian facility, existing utility easements and new proposed location of underground Edison conduit, drainage swales and culverts, areas of grading and all existing oak tree locations. Subject property area (State Parks portion) is also depicted showing April Road (access road) entrance from Mulholland Highway through State Parks property on to privately owned portion of project area where residence will be built. All points along access road to be widened and improved are depicted on site plan. All right of way easements, including April Road portion to be vacated, as well as existing oak trees and those to be removed or encroached upon, County Fire Department hammerhead turnaround, drainage culvert proposed under access road on State Park site and connecting to existing stream, proposed footbridge over stream, retaining walls varying in height from 2.5 to 11 feet on privately owned portion and State Parks portion of subject property area, and areas of grading with quantities are also depicted on site plan.

3. Located within the SMMNA CSD, the subject property area is situated under the A-1-20 zone (privately owned portion), and the OS zone (State Parks owned portion). The proposed new single family residence and detached guest house are permitted under the basic A-1 zone, County Code Section 22.24.070 and 22.24.080, and are not prohibited under the Zone-specific Development Standards of the SMMNA CSD for the A-1 zone, County Code Section 22.44.133 (E). The applicant is proposing grading quantities of 427 cubic yards of cut and 546 cubic yards of fill, including 119 cubic yards of imported fill, for over-excavation and preparation of the existing pad area for the new residence and on-site driveway. In addition, 710 cubic yards of cut

and 720 cubic yards of fill, including import of 10 cubic yards of fill for off-site improvements and road widening to 20 feet of April Road to serve the subject property area from Mulholland Highway is also proposed. Previous grading quantities for accessory equestrian structures of 1,000 cubic yards of cut and 779 cubic yards of fill, including 221 cubic yards of export, were also calculated into the total cumulative amount of grading for the site, identified as 4,182 cubic yards cumulative to be handled. The total cumulative amount is below the 5,000 cubic yards total grading allowed without the requirement for a CUP under the SMMNA CSD per County Code Section 22.44.133 (D)(4). An Oak Tree Permit to remove 4 oak trees to widen the access road per County Fire Code requirements, encroach into the protected zone of 51 additional trees for access road improvements, place an underground Edison conduit along the centerline of the access road on the private property location, and to prune 5 additional oak tree branches in excess of two inches diameter is required per County Code Section 22.56.2050. The single family residence proposed meets the development standards for the A-1 zone per County Code Section 22.24.110, pursuant to County Code Section 22.20.105 for development standards of single family residences, Section 22.20.110 for height limits, Section 22.20.120 for yard requirements and Section 22.20.130 for parking. The guest house residence meets development standards for accessory uses in the A-1 zone under County Code Section 22.24.080, pursuant to County Code Section 22.20.080 for requirements in approving detached living quarters. The guest house, and any other accessory structures on the privately owned portion of the subject property area, will be required to comply with Regional Planning policy as directed in the Department's Development Standards for Accessory Buildings memo dated August 11, 2008. The development proposal and land use for this project is not in conflict with SMMNA CSD standards for development and thereby in compliance with it.

4. (Repeat of Finding No. 3) Located within the SMMNA CSD, the subject property area is situated under the A-1-20 zone (privately owned portion), and the OS zone (State Parks owned portion). The proposed new single family residence and detached guest house are permitted under the basic A-1 zone, County Code Section 22.24.070 and 22.24.080, and are not prohibited under the Zone-specific Development Standards of the SMMNA CSD for the A-1 zone, County Code Section 22.44.133 (E). The applicant is proposing grading quantities of 427 cubic yards of cut and 546 cubic yards of fill, including 119 cubic yards of imported fill, for over-excavation and preparation of the existing pad area for the new residence and on-site driveway. In addition, 710 cubic yards of cut and 720 cubic yards of fill, including import of 10 cubic yards of fill for off-site improvements and road widening to 20 feet of April Road to serve the subject property area from Mulholland Highway is also proposed. Previous grading quantities for accessory equestrian structures of 1,000 cubic yards of cut and 779 cubic yards of fill, including 221 cubic yards of export, were also calculated into the total cumulative amount of grading for the site, identified as 4,182 cubic yards handled. The total cumulative amount is below the

5,000 cubic yards total grading allowed without the requirement for a CUP under the SMMNA CSD per County Code Section 22.44.133 (D)(4). An Oak Tree Permit to remove 4 oak trees to widen the access road per County Fire Code requirements, encroach into the protective zone of 51 additional trees for access road improvements, place an underground Edison conduit along the centerline of the access road on the private property location, and to prune 5 additional oak tree branches in excess of two inches diameter is required per County Code Section 22.56.2050. The single family residence proposed meets the development standards for the A-1 zone per County Code Section 22.24.110, pursuant to County Code Section 22.20.105 for development standards of single family residences, Section 22.20.110 for height limits, Section 22.20.120 for yard requirements and Section 22.20.130 for parking. The guest house residence meets development standards for accessory uses in the A-1 zone under County Code Section 22.24.080, pursuant to County Code Section 22.20.080 for requirements in approving detached living quarters. The development proposal and land use for this project is not in conflict with SMMNA CSD standards for development and thereby in compliance with it.

5. The existing project area boundaries encompasses both the privately owned land where the residence and guest house are to be constructed, and the State Parks land area to the south, a part of Malibu Creek State Park, where the 4 oak trees are to be removed to widen the existing dirt access road to 20 feet. The privately owned site previously had two residential structures, one in the area where the new residence and detached guest unit is proposed and which has since been removed, and one in the southwest corner of the site which is still intact and in use by renters. An equestrian ring and related equestrian structures are situated in the northern section of the privately owned site. The State Parks land area, with the exception of an existing residential structure and related accessory structures for use by caretakers of the State Parks land, and two sea-bin storage containers, is undeveloped. A natural stream which is a tributary to Malibu Creek runs south from the privately owned site to the State Parks site. The project area and its surroundings are extremely rural and natural.

6. The proposed residence and guest house on the privately owned site would be developed in an area previously occupied by one of the two residences and related accessory structures. The existing pad area would be graded for over-excavation and re-compaction in order to construct the new residence, guest unit and swimming pool. This would also entail the construction of retaining walls, drainage swales and culverts, and a driveway entrance from the access road to be improved. The proposed single family residence would be two stories at a maximum height of 32 feet and 9 inches above finished grade, and with 7,200 square feet of residential floor area. The detached guest house would be single story at a maximum height of 19 feet and 10 inches above finished grade, with 740 square feet of floor area. All development would be required to comply with County Green Building Standards

and Low Impact Development standard requirements. Also on the privately owned site, an Edison conduit would be placed beneath the access road and run north along the road's centerline. The conduit would run the entire length of the access road through the privately owned site, originating from a proposed transformer box to be placed near the entrance to the privately owned site from the State Parks site. The access road itself is only proposed to be improved by the project's proponents up to the location of the new residence. The Oak Tree Permit will address all impacts to the existing oaks caused by the undergrounding of the Edison conduit and the improvements to the access road.

7. The proposed road widening to twenty (20) feet on the State Parks site, as required by the County Fire Department for safety access purposes, does require the removal of four oak trees, including one Heritage Oak, and encroachment into the protected zone of several other oaks. Retaining walls will also be constructed to improve and widen the existing access road near the entrance from Mulholland Highway. In one location where the road is to be widened, and where 3 of the 4 oaks to be removed, it was foreseen by State Parks, Regional Planning, and the Santa Monica Mountains Conservancy that a plan to save the 3 oaks might be possible if the access road widening could be reduced to 15 feet and shifted away from the oaks. However, despite efforts to work out such a plan, a problem to accommodate this plan would entail further impacts to the existing stream with its bank abutting the existing access road. Upon a site investigation by the County Forester's Staff, with representatives from State Parks, Regional Planning, and the applicant's representative present as well, Staff of the County Forestry Division stated that the best efforts to improve the State Parks parcel and accommodate the improvements necessary for the access road would be to remove the three oak trees and proceed with an Oak Tree Mitigation plan to plant replacement oaks with a 5:1 ratio at a suitable location on the State Parks site. The plan to remove the three oaks in this critical location would also prevent further impacts to the existing stream under the California Department of Fish and Game (CDFG) and U.S. Army Corp of Engineers (USACE) jurisdiction. The proposal for the new drainage culvert under the access road which would connect to the natural stream, and the proposed footbridge over it, will be reviewed by the USACE and CDFG.

8. The access road widening, although required by the County Fire Department to be twenty feet wide, has been allowed for crimping (width reduction) along two sections of the road, one of which is located directly in front of the three oaks to be removed. The County Fire Department has approved crimping in these two sections down to fifteen (15) feet. Crimping in these two sections will protect further impacts to several oaks that will remain intact near the three oaks slated for removal (no. 19, 20, and 21), and will also better protect the existing caretaker residence facility on State Parks property.

9. During the Public Hearing of August 24, 2011, State Parks asked if the County Fire Department was willing to reduce the access road width improvements in front of the three oaks to be removed to less than fifteen (15) feet, possibly to twelve (12) feet. County Fire's response during the hearing was that fifteen (15) feet was the minimum acceptable width, and has continued to maintain that the access road cannot be crimped to less than fifteen (15) feet.

10. The project proponents have asked the County for the vacation of the April Road entrance because if it remains a public street, the improvement would require a minimum of twenty-six (26) feet of road widening, requiring the road base to go much deeper and thereby eliminating many more oaks. The County Department of Public Works (DPW) is willing to vacate the April Road entrance and the State is in agreement. The State is interested in acquiring the April Road entrance section as it traverses over their property. They will grant an easement to the properties beyond, which take access over that parcel traversed by the April Road entrance. The County will not complete the vacation until the State grants the easements. In the meantime, the project proponents will use an encroachment permit from County DPW to do the widening to private driveway standards, not public road standards. State Parks has signed an Ownership and Consent Affidavit, dated March 10, 2011, agreeing to the submittal of the Oak Tree Permit application.

11. The State also requires that a gate be placed on the April Road entrance. A gate is proposed at 250 feet from the edge of right-of-way for Mulholland Highway. The gate is necessary to control the illegal dumping of trash on State Parks property. The gate will be installed at the project proponents' cost.

12. Impacts to the land and surrounding areas as a result of the project requires implementation of mitigation measures, part of a Mitigation Monitoring Program, in order to reduce potentially significant impacts to the oak woodland and natural stream within the project area, with the potential to create negative externalities. Following a 30 day Initial Study consultation in which comments were received from various agencies, a Mitigation Monitoring Program was prepared. Mitigation Measures have been drafted to control storm water runoff, with requirements for approval of a drainage concept and Standard Urban Stormwater Mitigation Plan (SUSMP) and compliance with LID standards. Impacts to the oak woodland will be reduced to less than significant levels with the higher ratio of oak tree replacement, 5:1 for regular oak removal and 10:1 for Heritage oak removal, all part of an Oak Mitigation Plan pursuant to the State of California's Oak Woodland Conservation Act {Public Resources Code (PRC) 21083.4(b)(1) & (2) of CEQA} to address the replanting of the trees and the seven year maintenance requirement necessary to ensure the growth and viability of the replacement oaks.

13. In response to the Commission's inquiries at the hearing on August 24, 2011, regarding the use of retention basins on the site, Public Works responded on

September 19, 2011 to Regional Planning that they will be providing BMPs (best management practices) to handle stormwater runoff during construction through the SWPPP (storm water pollution prevention program). There are no water quality/retention basins other than those required by LID Ordinance, and they are required to get a SWPPP from the Regional Water Quality Control Board (RWQCB), but nothing more beyond that.

14. Mitigation measures will also ensure that the fuel modification plan to be implemented for the new residence and guest house will include protection to the greatest extent possible of all existing native vegetation, and protection against planting of highly invasive plant species, with flora and fauna surveys to identify locations of any sensitive or rare species. Surveys for the presence of the California Gnatcatcher and Special Status Plants, required as part of the Biota Measures under the Mitigation Monitoring Program, have been received by Regional Planning on June 28, 2011 and will be reviewed. In addition, a mitigation measure for the project will also be required that no vineyards or related structures for storage of grapes be placed within 100 feet of the streambed.

15. Also during the Public Hearing of August 24, 2011, the Commission asked questions regarding the establishment of trailheads on State Parks land, and the creation of new trails through State Parks land, which could encompass the applicant's private property. On September 20, 2011, State Parks reported back to Regional Planning, with a graphic layout of the new proposed trail *(see attached)* that would connect to the existing Phantom Trail to the east of the site over to Reagan Ranch and the existing Yearling Trail, just southeast of the intersection of Cornell Road and Mulholland Highway to the west of the project area. The proposed trail would traverse east to west across the State Parks property, just south of the applicant's private property. State Parks has stated that the trail will be completely on public land (State and National Parks land). On September 22, 2011, State Parks reported that the Udell Fire Road (AKA Udell Motorway), located on the applicant's property, has not been maintained for years. State Parks stated that they have no desire to use Udell Fire Road, as the new trail proposal would allow for other trail connections in the network. On September 26, 2011, State Parks stated that they will also be dropping the proposed footbridge across the stream. The have indicated the possibility of constructing a footbridge at a later time when plans for the new proposed trail are finalized, but for now there will be no footbridge and no further trail connections up to Udell Fire Road.

16. Noise and dust control measures will also be implemented to reduce any such impacts during construction activity, and recycling of any and all salvageable materials (i.e. existing residence on private property to be removed) will also be implemented. Design quality measures for the residence and guest house will be implemented requiring earth tone colors. The applicant will be required to satisfy the Departments of Public Works and Public Health for Onsite Wastewater Treatment

System (OWTS) requirements, and underground tanks for such use. Payment of library mitigation and emergency service fees will also be required. The applicant will be required to submit to Regional Planning a Mitigation Compliance Report for review annually, which Regional Planning will coordinate the checks of all measures of with all agencies identified to participate in the Mitigation Monitoring Program.

17. The project, through implementation of the identified Mitigation Measures in the Mitigation Monitoring Program and as part of the Mitigated Negative Declaration (MND) proposed for adoption, would be a compatible land use within the A-1-20 and OS zones, the Mountain Lands 20 and Open Space Parks land use designations of the project area under the SMMNAP, and with the SMMNA CSD standards. The project when completed, along with satisfaction of all required mitigation measures, will continue to maintain the rural character and setting of the area.

18. The definition of "permittee" has been updated in the attached Conditions to address the responsibilities of the parties involved for purposes of the Affidavit associated with this permit.

19. With regard to the Covenant required by the State for the work on the culvert below the access road on State Parks land, the project may be approved and the Covenant subsequently executed between the State Parks and the Applicant. The County must be indemnified.

20. County Forestry responded on September 22, 2011 to the Commission's request to change their condition for oak tree maintenance from two years to four years, and they will maintain two years. The Mitigation Monitoring Program will require seven years maintenance, per Mitigation Measure No. 5 (F). Conditions of the Oak Tree Permit refer to the measure as the instrument on the monitoring plan for the oak tree replacements.

21. There have been no complaints received as of September 27, 2011, verbally or in writing, from the public regarding the proposed project.

22. The applicant is required to substantiate all facts identified by Section 22.56.2100 of the County Code. The Oak Tree Permit Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the Burden of Proof.

23. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

24. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records,

320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

25. Following the direction of the Regional Planning Commission at the continued public hearing on October 5, 2011, the Commission directed Staff to ensure that all replacement oak trees consist of the required two fifteen gallon oaks, with the remainder to be tube trees and the required acorns. This is reflected in the updated Condition No. 14 of this Oak Tree Permit.

26. During the continued public hearing on October 5, 2011, the permittee acknowledged before the Commission an agreement to consult with and work with the division of State Parks involved with trail planning, at such time as State Parks undertakes planning for future trail(s) in and around the project area, which may or may not include trails proposed for the subject property. This is reflected in the new Condition No. 15 of this Oak Tree Permit.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

A. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16 of Chapter 22.56, if any, on the subject property; and
B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
C. That in addition to the above facts, at least one of the following findings must apply:

    1. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
        a. Alternative developments plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
        b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or

    2. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or

    3. That the condition of the oak tree(s) proposed for removal, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices, or

    4. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

REGIONAL PLANNING COMMISSION ACTION

1. Staff of the Los Angeles County Department of Regional Planning (DRP) has determined that a Mitigated Negative Declaration, pursuant to California Environmental Quality Act (CEQA) Section 15070, is the appropriate environmental documentation required under CEQA for the project. The project is in a particularly sensitive environment location, has oak woodland with natural stream and native chaparral present, and mitigation measures are necessary as part of a Mitigation Monitoring Program, pursuant to CEQA Guidelines Section 15097, to reduce all potentially significant environmental impacts to less than significant. Mitigation Measures have been prepared to address impact issues of Noise, Air Quality, Biota, Cultural Resources, Drainage and Grading, Residence Design, Recycling, Hazardous Materials Storage, Sewer, Underground Storage Tanks, Emergency Services, Library Mitigation Fees, and for Mitigation Compliance. A Mitigation Compliance Report is required to be submitted to the County annually to ensure that all mitigation measures as part of the Mitigation Monitoring Program are properly implemented.

2. In view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201000012, and the adoption of the Mitigated Negative Declaration with Mitigation Monitoring Program identified under Environmental Assessment No. 201000020 is **APPROVED** subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety, County Forester

VOTE
Concurring: Valadez, Louie, Helsley, Pedersen and Modugno

Dissenting:

Abstaining:

Absent:

Action Date: October 5, 2011

MKK:RS
10/11/2011

PROJECT DESCRIPTION

This grant authorizes the removal of four oak tree, identified as Oak Tree Numbers 5 (Heritage Tree), 19, 20 and 21 on the approved site plan, the encroachment into the protected zone of fifty-one oak trees, identified as Oak Tree Numbers 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 45, 46, 49, 50, 52, 53, 54, 55, 59, 60, 61, 87, 90, 91, and 92 on the approved site plan, and the pruning of limbs greater than two inches in diameter of an additional five oak trees, identified as Oak Tree Numbers 33, 34, 52, 54, and 55 on the approved site plan. The activities authorized under this grant will take place within an existing easement for ingress, egress, utility, drainage, slopes and other road purposes (Instrument No. 01 021116) located on property owned by the California State Parks Department in order to widen the access road to the Permittee's property to comply with County Fire Department requirements and to allow for the placement of Southern California Edison conduit underneath a portion of the access road. This grant and the activities authorized hereunder are subject to the following conditions:

GENERAL CONDITIONS

1. This permit shall not be effective until an Exhibit A is approved for the proposed road widening, culvert, foot bridge and Southern California Edison Conduit emplacements, and a plot plan (Plot Plan No. 201100223) is approved for the construction of the proposed single family residence, guest house, swimming pool, and other related accessory structure(s), along with all grading shown, requiring the need to remove/encroach upon the said trees.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the grantee of the easement referenced above and any successors or assigns thereto, and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee has filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Department") an affidavit stating that the permittee is aware of and agrees to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 8 and 16, and the provisions of the County Forester and Fire Warden, Forestry Division ("Forester") letter dated September 9, 2010, and attached hereto. Notwithstanding the foregoing this Condition No. 3, and Condition Nos. 5, 6, 7, and 16 shall be effective immediately upon final approval of this grant by the County.

4. Unless otherwise apparent from the context, the term "date of final approval" as used in this grant shall mean the date the County's action becomes effective pursuant to Section 22.80.260 of the County Code.

5. 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 notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

6. 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 to permittee or permittee's counsel.

   If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

7. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

8. 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. **The permittee shall deposit with the County of Los Angeles the sum of $200.00.** The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at $200 per inspection, or the current recovery cost in effect at the time any additional inspections are required.) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.

9. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

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's 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 set forth in these conditions or shown on the approved plans.

12. The permittee shall comply with all conditions and requirements contained in the County Forester letter dated September 9, 2010 (attached hereto and incorporated herein by this reference). The permittee shall comply with all mitigation measures identified in the adopted Mitigation Monitoring Program ("MMP"), including but not limited to the measures set forth in the Oak Mitigation Plan, which is attached hereto and incorporated herein by this reference. Compliance with the Forester's letter and the MMP shall be to the satisfaction of said County Forestry Division, the Department, and State Parks, except as otherwise required by said County Forestry Division, the Department, or State Parks. These measures include, but are not limited to, the following:

    a. The permittee shall provide mitigation trees of the Oak genus at a rate of ten to one (10:1) for the Heritage Oak removal, and five to one (5:1) for each of the three additional Oak trees removed for a total of twenty-five (25) trees; per the Forester's letter dated September 24, 2010 for the Heritage Oak removal, and the approved Oak Mitigation Plan per the project's adopted MMP(measure no. 5(F)).

13. The permittee shall plant one acorn of the Quercus agrifolia variety for each mitigation tree planted. The acorns shall be planted at the same time as, and within the watering zone of, each mitigation tree.

14. All replacement trees shall be planted on native undisturbed soil, two fifteen gallon sized oak trees shall be planted for each oak to be removed. The remainder of replacement trees beyond the required two fifteen gallon trees shall be tube trees. This is to be reflected in the Oak Tree Mitigation Plan under Measure No. 5 (F) of the adopted MMP. The first two irrigations or watering of planted trees shall incorporate the addition of a mycorrhizae product (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting trees.

15. At the request of the California Department of Parks and Recreation ("State Parks"), the permittee shall consult and work with the division of State Parks for trail planning at such time as State Parks undertakes planning for future trail(s) in and around the project area, which may or may not include trails proposed for the subject property.

16. Within three days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently $2,119.00 ($2,044.00 for a Mitigated Negative Declaration plus $75.00

processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.

17. The permittee shall deposit an initial sum of $6,000 with the Department within 60 days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the reports required by the MMP and compliance with the mitigation measures contained in the MMP. The permittee shall replenish the mitigation monitoring account as necessary until all mitigation measures have been implemented and completed.

Attachment: County Forester's Letter dated September 9, 2010; and Mitigation Monitoring Program dated July 7, 2011.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 7, 2011

Marny Randall
909 Euclid Street, Ste. #6
Santa Monica, CA 90403

PROJECT MITIGATION MEASURES
DUE TO ENVIRONMENTAL EVALUATION

Project: **R2009-01295**
Case: **ROAK 201000012; RENV 201000020**

The Department of Regional Planning (DRP) Staff has determined that the following mitigation measures or conditions for the project are necessary to ensure that the proposed project will not cause significant impacts upon the environment.

The permittee shall deposit the sum of $6,000.00 with the Department of Regional Planning within 60 days of project approval, in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

Mitigation Measures for: **Noise**

1. Noise impacts during construction shall be mitigated to protect the nearby residences. In order to minimize construction noise impacts, the applicant shall implement the following mitigation measures:

A. The applicant shall comply with all applicable sections of the County of Los Angeles noise control ordinance Title 12 Environmental Protection Noise Control (i.e. construction noise). In addition, standard construction noise attenuation measures should be included but not limited to the following: 1) maintain equipment and follow the manufacturer's recommended noise muffling devices; 2) minimize equipment idling; 3) staging and delivery areas should be located as far as feasible from nearby residences and schedule deliveries during mid-day or mid morning; and 4) to the extent feasible, utilize electrical powered tools or equipment instead of diesel powered equipment for exterior work.

B. During grading and earth material hauling activities, it is suggested that such work be prohibited on any Sunday or legal holidays, or at any other time between weekday hours of 6:00 p.m. and 8:00 a.m. (ordinance indicates construction work prohibited between 7:00 p.m. and 7:00 a.m.). "Grading" means any excavating or filling of earth material or any combination thereof conducted at a site for construction or other improvements thereon.

Mitigation Measures for: **Air Quality**

2. All off-road diesel powered engines used during construction and any excavation/grading phases must utilize aqueous diesel fuels.

3. The Project Developer shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site throughout the project construction phases. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

A. Keep all construction equipment in proper tune in accordance with manufacturer's specifications.

B. Require all on-site construction equipment to meet EPA Tier 2 or higher emissions standards according to the following schedule adopted by other lead agencies in the South Coast Air Basin:

   1. April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

   2. January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

   3. Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

   4. A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

C. Limit truck and equipment idling time to five minutes or less.

D. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

4. The Project Developer shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

- Use watering to control dust generation during demolition of structures or break-up of pavement.
- Water active grading/excavation sites and unpaved surfaces at least three times daily.
- Cover stockpiles with tarps or apply non-toxic chemical soil binders.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered.
- Traffic speeds on all unpaved roads to be reduced to 15 mph or less
- Sweep streets at the end of the day if visible soil is carried onto adjacent public paved roads, and all paved parking and staging areas (recommend water sweepers with reclaimed water).
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks at the windward sides of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more.
- An information sign shall be posted at each entrance to the construction site that identifies the permitted construction hours and provides a telephone number to call the foreman and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt by the construction site foreman. The sign shall also list the number to Regional Planning's Zoning Enforcement Division (213) 974-6483, and SCAQMD's Dust Control Division at 1(800) 288-7644, to report any complaints not rectified by the project foreman.

Mitigation Measures for: **Biota**

5. The following mitigation measures shall be applied:

A. To reduce further impacts and the long term loss of native habitat and any special status plant species, and to reduce the potential for invasive species establishment, a Landscape/Fuel Modification plan shall be submitted for review and approval by the County of Los Angeles Department of Regional Planning's Senior Biologist prior to the issuance of any grading and building permits. Review of the Landscape/Fuel Modification plan must be coordinated with the Fire Department's Fuel Modification Unit.

1. Landscape planting/restoration of areas disturbed through previous development, and establishment of the fuel modification plan for the new residence, guest house and related accessory structures shall be in accordance with new Landscape/Fuel Modification plan to be approved. The Senior Biologist or Staff Biologist of the Department of Regional Planning shall require botanical surveys of the fuel modification areas for sensitive and rare plant species for the Landscape/Fuel Modification plan to be approved, in accordance with recommendations set forth by State Fish and Game. Timely botanical surveys are to be conducted by the applicant's biologist to determine the presence of, impacts to, avoidance of and mitigation measures for special status plant species. Botanical surveys should adhere to State Fish and Game's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.
2. Copies of all biological assessment reports for sensitive species surveys conducted, along with the Landscape/Fuel Modification plan, shall be forwarded to Mr. Daniel Blankenship, Staff Environmental Scientist at California Department of Fish and Game (P.O. Box 221480, Newhall, CA 91322-1480) 661-259-3750.
3. The Landscape/Fuel Modification Plan shall list all plants to be used, are to be non-invasive plants, shall include local indigenous plants native to the Santa Monica Mountains, including Coastal Sage Scrub where feasible to benefit wildlife on the property and adjacent areas, and should identify areas of coastal sage scrub suitable for the coastal California gnatcatcher either to nest, forage and/or utilize as a dispersal habitat.
4. County regulations apply relating to brush clearance for fire safety or as otherwise required by the County Fire Department; or on a publicly owned right-of-way; or by a public utility on its own property or right-of-way or on land providing access to such property or right-of-way; or for work performed under a permit issued to control erosion or flood hazards; or that poses a hazard to persons or property, as determined by the County Fire Department.
5. Vegetation within the Fuel Modification Plan area outside of irrigated areas shall be thinned selectively (i.e. no wholesale clearing) so that elements of native vegetation remain. The trimming of native shrubs shall be rotated from year to year so that individual plants are able to recover from pruning and 'rest' before being pruned again. Fuel modification activities shall be accomplished by manual means (including hand-held powered equipment such as weed whackers); mowers, disking, other large machinery, or herbicides shall not be used.
6. In order to reduce the potential for invasive species of plants to grow on the site, all heavy trucks and equipment with mud shall be hosed off prior to entering the site.

B. Project related activities likely to have the potential of disturbing suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a biological monitor acceptable to the Director of Planning surveys the project area prior to disturbance to confirm that disturbance to habitat will not result in the failure of nests on-site or immediately adjacent to the area of disturbance. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat, any action that may cause disruption of nesting behavior such as noise exceeding 90dB from equipment, or direct artificial night lighting. Surveys shall be conducted on the subject property within 300 feet of disturbance areas (500 feet for raptors) no earlier than seven (7) days prior to the commencement of disturbance. If an active nest is discovered on-site or can be reasonably deduced to exist immediately adjacent off-site (in cases where access to adjacent properties is prevented), the project biologist shall demarcate an area to be avoided by construction activity until the active nest(s) is vacated for the season and there is no evidence of further nesting attempts. This demarcated area will incorporate a buffer area surrounding the active nest that is suitable in size and habitat type to provide a reasonable expectation of breeding success for nesting birds. Limits of avoidance shall be demarcated with flagging or fencing. The project proponent shall record the results of the surveys and recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

C. Should grading be planned within the time frame as outlined in measure 5.(B) above then prior to grading the qualified biologist shall be retained by the applicant as the biological monitor, all subject to the approval of the County of Los Angeles. The biological monitor shall ensure that impacts to adjacent biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct pre-grading field surveys, in accordance with measure 5.(B), for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. Prior to earthmoving or other potentially disturbing activities, the Department's Senior or Staff Biologist shall coordinate the assignment of specific dates and times for the biological monitor to be present to relocate any vertebrate species that may be impacted to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop such activities if violations of mitigation measures or any local, state, or federal laws are suspected.

D. Any temporary or permanent fencing or sign posts shall be of a type that does not inadvertently snare perching birds, especially raptors. In an effort to eliminate the potential of snaring, fence and sign posts shall be of a type either lacking bolt holes near the top of the post or shall have the holes filled with a nut and bolt.

E. In order to avoid impacts to nighttime wildlife activities, exterior night lighting shall be directed downward onto the property, of low intensity, at low height and shielded to prevent illumination of surrounding properties and undeveloped areas; security lighting, if any is used, shall be on a motion detector.

F. All conditions for Oak Tree Permit No. 201000012 from the County Forestry Division shall be applicable and must be satisfied. In addition to the basic conditions of approval by the County Forestry Division, and in compliance with the State of California's Oak Woodland Conservation Act {Public Resources Code (PRC) 21083.4(b)(1) & (2) of CEQA} the applicant shall plant replacement oaks within designated oak planting locations as part of the Oak Mitigation Plan to be approved for the project by County Regional Planning, the County Forester and State Parks to ensure that replacement oak tree planting areas are suitable for successful growth and survivability. In addition to the fees required by the County Forester for inspections during the two year maintenance period, the applicant shall provide maintenance fees to cover inspection and maintenance of the replacement oak trees for up to a total of seven years. Maintenance of the replacement oak trees beyond the two year period will be funded by the applicant. The exact sum of the fees to continue maintenance beyond the two year period, for up to seven years, shall be determined through negotiation between the applicant, County Forestry, County Regional Planning and State Parks. The fee must be agreed upon prior to final approval of the Oak Tree Mitigation Plan by County Regional Planning, County Forestry and State Parks. Because all replacement oak trees shall be planted on State Parks land, no conservation easements shall be necessary. State Parks will assume long term maintenance of the replacement oak mitigation areas upon termination of the seven year maintenance period.

1. The replacement ratio for oaks removed, other than the 10:1 ratio established for the Heritage Oak Removal, shall be at a ratio of 5:1 for the Oak Tree Mitigation Plan.
2. The seven (7) year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Senior Biologist of Regional Planning and the County Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive seven (7) years will start anew with the new replacement trees to be planted. Additional monitoring fees will be applied in any such event.

G. To avoid direct loss of bats, if present on the project site, that could result from the removal of the trees that may provide maternity roosting habitat (e.g., in cavities of under loose bark), grading and construction will take place, to the extent feasible, outside of maternity roosting season (March 1 to September 30). Where this is not feasible, a qualified bat specialist (i.e., a person holding a state collection permit and memorandum of understanding with the CDFG allowing handling and collection of bats) will conduct a pre-construction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree identified as potentially supporting an active maternity roost will be closely inspected by the bat specialist a maximum of 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats. Trees determined to be maternity roosts will be mapped and 250-foot avoidance perimeter will be marked around any roosts located. These trees will be left in place until the end of the maternity season (September 30).

- The bat specialist will document all monitoring activities and will prepare a summary report upon completion of tree disturbance activities
- Reports will cover the number and type of affected trees determined to support roosting bats prior to disturbance
- If bats are not detected, but the bat specialist determines that roosting bats may be present, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw.
- Report shall document any actions undertaken to safely exclude roosting bats prior to disturbance and the results of those actions; trees and or structures to avoid roosting bats; and roosting bats found (alive or dead) after trees and/or building structures were removed or relocated.
- This report will be provided to the County Regional Planning within 30 days following completion of tree removals.

H. Anticoagulants are not to be used as a method of rodent control on the site at any time.

I. No vineyards or related structures for storage of grapes shall be placed within 100 feet of any streambed.

Mitigation Measures for: **Cultural Resources**

6. All work will stop immediately should any cultural resources (i.e. artifacts, burial grounds) be uncovered/discovered at any time prior to and during grading/construction. With approval from County Regional Planning, the applicant shall then select and retain a qualified archaeologist to assess the find, make recommendations, and to monitor until all grading is completed.

Mitigation Measures for: **Drainage and Grading**

7. The project shall comply with a drainage concept plan, along with any related Hydrology Study and Standard Urban Stormwater Mitigation Plan (SUSMP) to be reviewed and approved by County Public Works.

8. The concrete collector swales or troughs that are proposed to serve the project site shall be constructed utilizing materials that are of earth tone colors.

9. A grading plan is required to be reviewed and approved by County Public Works prior to issuance of any grading and building permits for the development proposed. Any potential landslide area affecting the project shall be addressed.

10. The project shall comply with Low Impact Development (LID) standards per Title 12, Chapter 12.84 of the Los Angeles County Code.

11. An encroachment permit must be secured from County Public Works, prior to commencement of any grading and construction, while the County is in the process of vacating the entrance section of April Road.

12. The applicant shall contact the State of California Department of Fish and Game for instructions on their review of the drainage concept and grading plan, and obtainment of a Streambed Alteration Agreement (1602 Permit) for drainage culvert installation and footbridge construction over onsite stream. Contact person at State Fish and Game will be Mr. Rick Mayfield, RMayfield@dfg.ca.gov 805-985-5686. Review and approval of the plan by State Fish and Game is required prior to any issuance of grading permits by Public Works.

13. The applicant shall contact the U.S. Army Corps of Engineers for instructions on their review of the drainage concept and grading plan, and obtainment of a 404 Permit for installation of a drainage culvert connecting to the onsite stream. Contact person at the Army Corp is Mr. Daniel Swenson, Daniel.P.Swenson@usace.army.mil 213-452-3414. Review and approval of the plan by the Army Corp is required prior to any issuance of grading permits by Public Works.

14. Grading plan depicting road construction activities, including cuts/fills, appurtenance relocation(s), and underground Edison conduit installation shall be submitted to the Las Virgenes Municipal Water District, and must be conditional with the District due to the ownership and operation of an existing potable main at the project site by the District. Contact person at the District is Lindsay Cao at 818-251-2100. Review and approval of the plan is required by the District prior to any issuance of grading permits by Public Works.

Mitigation Measures for: **Residence Design**

15. The residence and guest house shall be designed in accordance with contemporary green building standards, and per County Code Section 22.52.2100 for Green Building.

16. Earth tone colors shall be used for the residence, guest house and all other related structures.

Mitigation Measures for: **Recycling**

17. Construction, demolition, and grading projects in the Los Angeles County's unincorporated areas are required to recycle or reuse a minimum of 50 percent of the construction and demolition debris generated by weight per the Los Angeles County's Construction and Demolition Debris Recycling and Reuse Ordinance. A Recycling and Reuse Plan must be submitted to and approved by Public Works' Environmental Programs Division before a construction, demolition, or grading permit may be issued. Contact Public Works at (626) 458-3524

Mitigation Measures for: **Hazardous Materials Storage**

18. The applicant shall contact the Fire Department's Health Hazardous Materials Division, Site Mitigation Unit at (323) 890-4107, to comply with their requirements for storage of any construction materials that are identified as hazardous and may cause soil contamination due to leakage, or emission of hazardous fumes.

Mitigation Measures for: **Sewer**

19. Prior to building permit issuance, the applicant shall secure a final approval from the Land Use Program Section of Public Health for the construction of an onsite wastewater treatment system (OWTS). A complete feasibility report shall be submitted to the Land Use Program section for review and approval. The applicant may contact Patrick Nejadian at (626) 430-5390 of the Land Use Program section of Public Health with any questions, or the Calabasas District Office at (818) 880-3413. The feasibility report shall be prepared in conformance with the Department's "Onsite Wastewater Treatment System (OWTS) Guidelines."

- In areas where percolation rates exceed 5.12 gallons per day per square feet, a supplemental treatment component in addition to the conventional septic system will be required.
- If a public sewer connection is available within 200 feet of any part of the proposed building or exterior drainage, all future drainage and piping shall be connected to such public sewer.
- The design and installation of the OWTS shall conform to the requirements of Public Health and all other applicable regulatory agencies. If due to the proposed development, grading, geological limitations, required setbacks and flood or surface/ground water related concerns or for any other reasons, conformance with all applicable requirements cannot be achieved, the Department will not recommend issuance of any building permits.

20. Prior to final approval of the onsite wastewater treatment system (OWTS), the applicant shall provide a water availability letter from the Las Virgenes Municipal Water District to the Drinking Water Program Section at Public Health assuring water connection and service. For any questions, contact Richard Lavin at (626) 430-5420 of the Drinking Water Program Division at Public Health.

Mitigation Measures for: **Underground Storage Tanks**

21. Should any operation within the subject project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment, or disposal facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.

Mitigation Measures for: **Emergency Services**

22. The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in effect at the time of building permit issuance then this mitigation measure will be required.

Mitigation Measures for: **Library Compliance Fees**

23. The applicant will be required to pay library facilities mitigation fees at the time the building permits for the project are issued. The proposed project is located in the Library's Planning Area 7 (Santa Monica Mountains). The current mitigation fee for this area, which is adjusted annually based on changes in the Consumer Price Index, is $808 per residential unit. Therefore, the applicant would be required to pay a mitigation fee of $808 ($808 x 1 residential unit). The actual fee obligation for this project may be higher because the fee per residential unit will be that in effect at the time the building permits are issued.

Mitigation Measures for: **Mitigation Compliance**

24. As a means of ensuring compliance of all above mitigation measures, the applicant is responsible for submitting an annual mitigation compliance report to the County Regional Planning for review, and is responsible for replenishing the mitigation monitoring account when necessary, until such time as all mitigation measures have been implemented and completed.

25. Any unused portion of the deposit in the applicant's established mitigation monitoring account, upon satisfactory completion of the mitigation monitoring program, will be refunded to the applicant.

Please sign and return the original document with wet ink signature to the attention of **Rudy Silvas** at: Department of Regional Planning, 320 W. Temple St., Room 1348, Los Angeles, CA 90012

[X] As the applicant, I agree to incorporate these changes/mitigation measures into the project, and understand that the public hearing and consideration by a Hearing Officer or the Planning Commission will be on the project as changed/mitigated.

Marny Landau
Applicant

10/4/11
Date

[ ] As the applicant, I do not agree to incorporate these changes/mitigation measures into the project, and understand that a public hearing on the project will not occur until an appropriate Mitigation Monitoring Program is agreed upon by the applicant and Regional Planning.

Applicant

Date

[ ] No response received within 15 business days of date on this letter, project is put on hold indefinitely. Environmental Determination requires that Mitigation Measures be prepared for this project.

Staff

Date