February 13, 2013

Donald Haskin  
2678 Thunderbird Drive  
Thousand Oaks, CA 91362

REGARDING: Project Number R2010-01071-(3)  
Conditional Use Permit No. 201100012  
Environmental Assessment No. 201100019  
Oak Tree Permit No. 201100011  
APN: 4462-005-022 and 023

The Regional Planning Commission, by its action of February 13, 2013, has APPROVED the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on February 27, 2013. Appeals must be delivered in person.

Appeals:  
To file an appeal, please contact:  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Jarod Nygren of the Field Offices Section at (818) 880-3799, or by email at jnygren@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,
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  

Annie Lin, Supervising Regional Planner  
Field Offices Section
Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

AL: JN
FINDINGS AND ORDER OF PLANNING COMMISSION
COUNTY OF LOS ANGELES

PROJECT NUMBER R2010-01071
CONDITIONAL USE PERMIT NO. 201100012
OAK TREE PERMIT NO. 201100011
ENVIRONMENTAL ASSESSMENT NO. 201100019

REQUEST:
The applicant is requesting a Conditional Use Permit to authorize the construction of
two single-family residences on two lots pursuant to County Code Section
22.44.133.E.5. The applicant is also requesting an Oak Tree Permit to authorize the
removal of one non-heritage oak tree for the residence on APN 4462-055-022.

HEARING DATE: February 13, 2013

PROCEEDINGS BEFORE THE PLANNING COMMISSION

February 13, 2013 Public Hearing
A duly noticed public hearing was held before the Regional Planning Commission on
February 13, 2013. The Regional Planning Commission heard the staff presentation
and testimony from the applicants, Mark Moskowitz and Don Haskin, who testified in
favor of the request. Testimony was heard from 21 members of the public who were
opposed to this project, followed by a rebuttal from the applicant’s representative, Fred
Gaines.

Commissioner Helsley asked if the applicant was agreeable to prohibiting accessory
habitable structures such as guest houses and second units. The applicant accepted
Commission Helsley’s recommendation for a condition that no accessory habitable
structures would be permitted on the subject properties. Commissioner Helsley was
also interested in extending the offer to dedicate area to the east until it reached
Seminole Drive. The applicant expressed concerns regarding Commissioners Helsley’s
request because existing drainage devices are located within the proposed easement
expansion area. After a brief discussion, the applicant agreed that they could extend the
offer to dedicate area subject to being able to maintain the drainage devices. The
applicant’s representative concluded that they could put language into the irrevocable
offer to dedicate that would allow the use and maintenance of the existing drainage
devices if no other alternatives could be found. The Department of Public Works
expressed concerns regarding the bus stop on Seminole Road and recommended
additional widening would be needed to locate the existing bus stop completely within
the public right-of-way. The applicant agreed to allow for additional road widening as
needed to place the existing bus stop completely with the Seminole Road right-of-way
up to a maximum of twenty (20) feet.
There being no further testimony, the Commission voted (5-0) to close the public hearing, approved the applicant’s request with findings and conditions for approval with the modifications as discussed.

Findings

1. The applicant has requested a Conditional Use Permit to authorize the construction and maintenance of two single-family residences on two existing lots in the R-R (Resort and Recreation) Zone.

2. The applicant has requested an Oak Tree Permit to authorize the removal of one non-heritage oak tree for the construction and maintenance of one single-family residence on APN 4462-055-022. A total of 42 oak trees will remain on the subject properties. Pursuant to the provisions of Section 22.56.2150 when an application for a Conditional Use Permit is filed concurrently with an application for an Oak Tree Permit as provided by this Title 22, the Regional Planning Commission shall consider and approve such application for an oak tree permit concurrently with such other approvals.

3. The property is located at 29153 Crags Drive, Malibu Lake, within the Malibu Zoned District and the Santa Monica Mountains North Area Community Standards District (CSD).

4. The applicant is proposing two new single-family residences on two existing, vacant legal lots, Assessor’s Parcel Numbers (APN) 4462-005-022 and 4462-005-023. The single-family residence on APN 4462-005-022 will consist of a new maximum 2-story, 5,900 square feet residence with attached 3-car garage, swimming pool, 1,800 cubic yards (cut and fill combined) of grading, 4-feet retaining wall, attached patios, driveway, entry gate, and private sewage disposal system. The residence will have minimum setbacks of 37 feet to the north, 95 feet to the east, 234 feet to the west and 61 feet to the south. The maximum lot coverage for the single-family residence, including the swimming pool and patio covers is 8,087 square feet, or 8.2 percent of the 2.25 acre lot area. APN 4462-005-023 will also consist of a new maximum 2-story, 5,900 square feet single-family residence with attached 3-car garage, swimming pool, 1,350 cubic yards (cut and fill combined) of grading, attached patios, driveway, entry gate, and private sewage disposal system. The residence will have minimum setbacks of 227 feet to the north, 104 feet to the east, 18 feet to the west and 76 feet to the south. The lot coverage for the single-family residence, including the swimming pool and patio covers is 8,376 square feet, or 8.0 percent of the 2.4 acre lot area. Construction of the single-family residence on APN 4462-005-022 will require the removal of only one non-heritage oak tree, with 42 oak trees remaining on-site. The oak tree being removed will be replaced by the planting of two fifteen (15) gallon oak trees and two acorns.
5. The residences will be traditional in design using either Ranch, Craftsman, Spanish, or Mediterranean architectural style, color palette of the residences are earth toned, second story is limited to fifty (50) percent of the first floor and they have elevations and facades that are varied so that they are compatible with the surrounding residences.

6. The residences shall be partially screened with native landscaping to provide visual interest, privacy and ensure compatibility with surrounding residences.

7. The subject properties are relatively large undeveloped parcels with a combined lot area of 4.65 gross acres, sloping slightly downward (less than 25%) from south to north and east to west. Several smaller single-family lots are surrounding the subject properties. The lots are either developed with single-family homes or remain undeveloped. The terrain for the surrounding area is much steeper than that of the subject properties. The terrain to the south, east, and west consist of steep terrain with slopes of twenty five percent or more in some instances. To the north the terrain is relatively flat until it runs into Malibou Lake.

8. Due to the community concerns and Commission’s request the applicant has offered an irrevocable offer to dedicate to the Malibou Lakeside Homeowner’s Association an area for passive recreational uses. The irrevocable offer to dedicate includes an area marked “A” on the Exhibit “A”, located on the northeast corner of Parcel 2, bounded by Paiute and Seminole Drives and approximately 95 feet in depth from Paiute Drive. The exhibit “A” indicates an approximately 10,000 square feet area on parcel 1 where all trees with a trunk diameter of eight (8) inches or greater are prohibited from being cut. The applicant has also offered an additional five (5) feet of road widening to Public Works along Crags drive for emergency parking subject to their acceptance.

9. The project site is designated as “N1 (Rural Residential 1) in the Santa Monica Mountains North Area Plan. Rural Residential 1 is intended for the development of low-density single-family detached housing in a setting consistent with the North Area Plan’s definition of “rural” area. N1 allows for residential development, generally not to exceed one unit per acre density. The subject properties are over one acre and are within the density threshold required by the N1 land use category.

10. The project is consistent with the following goals and policies of the Santa Monica Mountains North Area Plan:

Policy VI-13: In addition to maintaining low densities within rural areas, require the provision/protection of the features that contribute to rural character and rural lifestyles, including, but not limited to:
- Natural features and streams which are protected by adequate development setbacks;
Large lots that offer the ambiance of privacy and solitude in a rural setting;
- Limited or no commercial development;
- Irregular placement of dwellings on individual lots and variations in designs that result in custom-look housing;
- A lack of night lighting and existence of dark skies, enhancing the visibility of stars at night;

Policy VI-14: In addition to considering the mass and scale of the entire development or structure, restrict the total square footage of and grading for rural structures to a size that maintains the area’s open character, and is compatible with the open space characteristics of the surrounding hillsides.

Policy VI-15: Require that new developments use architectural and siting features which are compatible with the adjacent existing and planned developments, and include the following:
- compatibility with prominent design features existing in the immediate area (i.e. trees, land forms, historic landmarks);
- compatibility with existing structures; and
- the natural environment (i.e., hillsides, washes, native vegetation, community landscaping).

Policy VI-16: Require that new developments provide a transition to surrounding development, for example:
- the bulk of new structures should relate to the area’s environment and to the adjacent development;
- setbacks from streets and adjacent properties should relate to the scale of the structure, the function of the street, and the intended character of the development, and should encourage pedestrian scale and uses; and
- multi-story residential structures should be made less imposing by using exterior profile designs that complement the contours of the land; variances from height restrictions shall generally not be permitted.

Policy VI-20: Limit structure heights in suburban and rural areas to ensure compatibility of new development with the respective characteristics of the surrounding settings and sites.

Policy VI-23: Retain existing rural communities primarily for low intensity, rural residential uses.

The subject properties are within the Santa Monica Mountain North Area CSD, Malibou Lake area. The zoning for the two subject properties are Resort and Recreation (R-R-1). The Santa Monica Mountains North Area CSD allows single-family residences to be approved through a Director’s Review provided a maximum of one protest is received within the required 500 feet notification radius. If there is
more than one protest, the application is denied and the applicant can apply for a Conditional Use Permit. In this case, more than one protest was received, so a Conditional Use Permit is required for the single-family residences within the R-R zone. Although there are no development standards required for single-family homes in this zone, the proposed residences meet all of the R-1 (single-family residence) zone development standards to be consistent with the neighborhood pattern.

12. The existing surroundings consist of small houses on lots averaging approximately 7000 square feet. Although the proposed single-family residences may be larger than most of the other homes in the direct vicinity, they are in compliance with the Santa Monica Mountains North Area CSD lot coverage requirements. The Santa Monica Mountains North Area CSD allows for 25% lot coverage in the Malibu Lake area. The two proposed single-family residences are on large lots compared to those in the direct vicinity and have 8.2% and 8.0% lot coverage. The amount of lot coverage proposed by the two residences is less than most of the other residences in the vicinity. The two residences are below the maximum 35 feet height limit (County Code Sec. 22.44.133.E.5.c). The proposed residences also meet all residential setbacks though there are no specific setback requirements in the R-R zone. The subject properties have less than 25% slopes and were previously developed by a club that has since been demolished limiting the projects impacted area. The project grading quantities are below the 5,000 cubic yards threshold permitted by the Santa Monica Mountains North Area CSD.

13. The proposed single-family residences are not located within 1,000 feet of any other Resort Recreation land uses (County Code Sec. 22.44.133.E.5.bii).

14. The new residence shall be required to comply with the Los Angeles County Low Impact Development ("LID") standards by installing a minimum of two features designed to lessen the environmental impact of new development (County Code Sec. 22.52, Part 22). A county-approved list of LID design features includes porous pavement, rain barrels, green roofs, and other such facilities. The project must comply with County Drought-Tolerant Landscaping requirements, wherein 75% of landscaping in the front of the residence must be drought-tolerant, and a maximum of 25 percent may be grass or turf (County Code Sec. 22.52, Part 21). The project must comply with Green Building requirements (County Code Sec. 22.52, Part 20).

15. The two single-family homes on two legal lots will not adversely affect the health, comfort, or welfare, of surrounding residents, will not be detrimental to the use, enjoyment, or value of surrounding properties, and will not constitute a hazard to public health or safety. The subject properties are surrounded in all directions by other single-family residences and/or vacant land that is zoned for single-family residences. The properties are within a residentially designated land use category of the Santa Monica Mountains North Area Plan. The properties are also within the
Malibou Lake community, which was developed in the 1920’s with the intention of creating single-family homes near the lake. The Fire Department, Public Health, and Public Works have reviewed the project and concluded that the residence as proposed can be constructed and maintained in accordance with all codes relating to public health, safety, and access, providing that certain conditions of approval are required.

16. The properties are located in a Very High Fire Severity Zone. The subject properties are required to comply with Fire Department requirements for Very High Fire Severity Zones to minimize fire danger.

17. The access is served by Crags Drive, Paiute Drive and Seminole Drive without any major level-of-service issues. Traffic to and from the sites would be minor, as it would add only two dwelling units.

18. The County of Los Angeles Forester and Fire Warden reviewed the project and verified the accuracy and completeness of the Oak Tree Report. Their letter, dated January 24, 2012, is the part of the attached conditions.

19. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Conditional Use Permit and Oak Tree Permit public hearing by mail, newspaper and property posting.

20. Pursuant to the provisions of the California Environmental Quality Act (CEQA), a Draft Mitigated Negative Declaration has been prepared for this project. The draft environmental document concludes that the project design and/or required mitigation measures will adequately mitigate environmental impacts to a level of less than significant.

21. The Department of Parks and Recreation, Department of Fish and Game, Cal Fire, Department of Water Resources, California Highway Patrol, Caltrans, Regional Water Quality Control Board, Native American Heritage Commission, State Lands Commission, Santa Monica Mountains Conservancy, Los Angeles County Fire, Los Angeles County Fire Forestry Division, Los Angeles County Health Department and Public Works have reviewed the Mitigated Negative Declaration/Mitigation Monitoring Program pursuant to the California Environmental Quality Act and concluded that it is the appropriate document for the project.

22. 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.
BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES:

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

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

C. That the proposed site is adequately served:
   1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and;
   2. By other public or private services facilities as are required.

Regarding the Oak Tree Permit:
A. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this part 16, 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 surface waters which cannot be satisfactory mitigated; and

C. That in addition to the above facts, at least one of the following findings 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 extent that:
      A. Alternative development plans cannot achieve the same permitted density or that cost of such alternative would be prohibitive.
      B. Placement of such tree(s) precludes the reasonable and efficient use of such property for use otherwise authorized, or
      C. 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 alternatives to such interference exists other than removal of the tree(s), or
D. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices.

D. 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.

PLANNING COMMISSION ACTION:

1. The Planning Commission certifies that the Mitigated Negative Declaration was completed in compliance with the California Environmental Quality Act and the State and County Guidelines related thereto; certified that it independently reviewed and considered the Mitigated Negative Declaration along with any comments received during the public review process and that it reflects the independent judgment and analysis of the county as to the environmental consequences of the Project; and finds on the basis of the whole record before the Commission that any required conditions, modifications to the project, and mitigation measures will adequately mitigate any potential impacts to a level of less than significant.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100012 and Oak Tree Permit No. 201100011 are approved subject to the attached conditions.

c: Planning Commission, Zoning Enforcement, Building and Safety

Vote-Ayes: Unanimous

AL:JN
CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2010-01071-(3)
CONDITIONAL USE PERMIT NO. 201100012
ENVIRONMENTAL ASSESSMENT NO. 201100019

PROJECT DESCRIPTION
The project is a Conditional Use Permit ("CUP") to allow for two single-family residences on two existing parcels in the Resort Recreation (R-R) zone, subject to the following conditions of approval:

GENERAL CONDITIONS

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

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8, and 11 shall be effective immediately upon the date of final approval of this grant by the County.

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

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

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

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

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

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

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

8. This grant shall expire unless used within 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.

9. Once the Conditional Use Permit has been deemed used it shall have no termination date since the project is for single-family residences. In order for the Conditional Use Permit to be deemed used a building permit for each parcel must be issued by the Department of Building and Safety within the applicable time frame.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of $200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for one (1) inspection to take place three (3) years after the date of final approval. The inspection shall be unannounced.

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

11. Within three (3) days after 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 **$2,231.25 ($2,156.25 for the Mitigated Negative Declaration and a $75.00 County processing fee)**. No land use project subject to this requirement is final, vested, or operative until the fee is paid.

12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.

13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the MMP and agrees to comply with the mitigation measures imposed by the MMP for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee’s compliance with the required mitigation measures.

14. The permittee shall deposit an initial sum of $6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed. There is no limit to the number of supplemental deposits that may be required prior to the implementation and completion of all mitigation measures.

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

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code and those conditions delineated in the Fire Department letter dated July 13, 2011, attached hereto and incorporated by this reference, or as otherwise to the satisfaction of said department.

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

18. The single-family residences shall comply with all applicable provisions of the Santa Monica Mountains Community Standards District (22.44.133).

19. All development pursuant to this grant shall conform with the requirements of County Department of Public Works and those conditions delineated in the Department of Public
Works letter dated May 9, 2012, attached hereto and incorporated by this reference, or otherwise to the satisfaction of said department.

20. All development pursuant to this grant shall conform with the requirements of the County Department of Public Health Department and those conditions delineated in the Department of Public Health letter dated July 11, 2012, attached hereto and incorporated by this reference, or otherwise to the satisfaction of said department.

21. The single-family residence located on Assessor’s Parcel Number 4462-005-022 shall consist of a new maximum 2-story, 5,900 square feet single-family residence with attached 3-car garage, swimming pool, 1,800 cubic yards (cut and fill combined) of grading, 4-feet retaining walls, attached patios, driveway, entry gate, and private sewage disposal system. The residence shall have minimum setbacks of 37 feet to the north, 95 feet to the east, 234 feet to the west and 61 feet to the south. The maximum lot coverage shall be 8,087 square feet, or 8.2 percent of the lot area.

22. The single-family residence on Assessor’s Parcel Number 4462-005-023 shall consist of a new maximum 2-story, 5,900 square feet single-family residence with attached 3-car garage, swimming pool, 1,350 cubic yards (cut and fill combined) of grading, attached patios, driveway, entry gate, and private sewage disposal system. The residence will have minimum setbacks of 227 feet to the north, 104 feet to the east, 18 feet to the west and 76 feet to the south. The maximum lot coverage shall be 8,376 square feet, or 8.0 percent of the lot area.

23. The single-family residences shall be painted and maintained in earth toned colors. Earth tone colors are defined as colors that draw from a palette of browns, tans, grays, greens and are muted and flat in emulation of the natural colors found in dirt, rocks, and vegetation.

24. The architecture shall be traditional in design in a Ranch, Craftsman, Spanish, or Mediterranean style compatible with surrounding residences. Building elevations and facades shall be varied, recessed, or articulated with use of balconies, porches, patios and/or bay windows. Modern architecture, flat roofs, predominantly glass walls and/or long unbroken building walls exceeding 30 feet in length shall be prohibited. The permittee shall submit a Revised Exhibit “A” to the Director depicting compliance with the required architectural and design features.

25. The single-family residences shall be limited to two stories and maximum thirty two (32) feet in height. The floor area of the second floor shall be a maximum of 50% of the floor area of first floor in order to provide varied building bulk and interest and ensure compatibility with surrounding residences. The permittee shall submit a Revised Exhibit “A” to the Director depicting compliance.

26. The single-family residences shall be partially screened with native landscaping to provide visual interest, privacy, and ensure compatibility with surrounding residences. At least four native trees in addition to those required by Green Building shall be planted on each lot between the residences and right-of-way in areas that are open to view from the public or neighboring properties. The permittee shall submit a landscaping plan with the Revised Exhibit “A” to the Director for approval to ensure that the native landscaping provides the necessary screening from surrounding residences.
27. Perimeter fencing shall be permeable using traditional split-rail fencing with the bottom rail being at least six (6) inches off the ground. Chain link, wire, solid block, and highly reflective materials are prohibited.

28. The permittee has agreed to provide an irrevocable offer to dedicate an easement or other appropriate interest to the Malibou Lakeside Homeowner’s Association the area marked “A” on the Exhibit “A” to be available for community recreational access and uses in compliance with the R-R Zone. This area is located on the northeast corner of Parcel 2, bounded by Paiute and Seminole Drives and approximately 95 feet in depth from Paiute Drive. The irrevocable offer to dedicate shall be recorded on the subject property as mutually agreed upon by the applicant and Malibou Lakeside Homeowner’s Association within three (3) months of the date of final approval of this grant. The irrevocable offer to dedicate shall be valid for three years from the date of final approval of this grant.

29. The permittee shall be prohibited from cutting any tree with a diameter of eight (8) inches or greater and no structures are permitted within the area depicted on the Exhibit “A” as “B.”

30. Subject to the Department of Public Works’ approval and acceptance, the applicant offers to dedicate an easement to the County for the area depicted on the Exhibit “A” as “C” for an additional five (5) feet of road widening that can be used for community parking and additional access.

31. Subject to Department of Public Works’ approval and acceptance, the applicant offers to dedicate additional street widening, as needed up to a maximum width of twenty (20) feet, to locate the school bus stop within the public right-of-way for Seminole Drive.

32. Accessory habitable structures, including but not limited to guest houses, pool houses and second units shall be prohibited.

33. Los Angeles County Fire Department red flag fire day requirements shall apply during construction of the residences.

34. Parking or storing equipment shall be prohibited within the public right-of-way during construction of the residences.

35. Except for seasonal decorations or signage provided by or for a civic non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that was not approved by Regional Planning and that do not directly relate to the use of the property or provide pertinent information about said premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

36. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit “A.” If changes to the site plan are required as a result of instruction given at the public hearing, modified Exhibit “A” plans shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
37. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the
permittee shall submit copies of the proposed plans to the Director for review and
approval. All revised plans must be accompanied by the written authorization of the
property owner(s) and applicable fee for such revision.

38. Prior to final approval of this permit, the permittee shall record a covenant with the
Department of Regional Planning agreeing to comply with the drought-tolerant
landscaping requirements of Section 22.52.2230 of the County Code. This shall be done
to the satisfaction of the Director of Regional Planning. A minimum of seventy-five (75)
percent of such total landscaped area shall contain plants from the drought-tolerant plan
list of the Department of Regional Planning. Throughout the term of this grant, the
permittee shall maintain all landscaping in a neat, clean, and healthful condition, including
pruning, weeding, litter removal and replacement of plants when necessary.