February 11, 2013

TO: Esther L. Valadez, Vice Chair
    David W. Louie, Chair
    Harold V. Helsley, Commissioner
    Curt Pedersen, Commissioner
    Pat Modugno, Commissioner

FROM: Jarod Nygren, Field Offices Section

SUBJECT: Project Number R2010-01071-(3)
    Conditional Use Permit No. 201100012
    Environmental Assessment No. 201100019
    Hearing Date: February 13, 2013
    Agenda Item No. 6

Project No. R010-01071-(3), Conditional Use Permit No. 201100012 is a request for two new single-family homes located on two existing legal lots zoned R-R-1 in the unincorporated Malibou Lake area and in the Santa Monica Mountains North Area Community Standards District.

Attached you will find additional correspondence from the Malibou Lake Homeowner’s Association attorney and a letter from the applicant’s attorney.

If you have any questions regarding this item, please contact Annie Lin, or the case planner Jarod Nygren at (818) 880-3799 or via email at jnygren@planning.lacounty.gov.

AL: JN
February 8, 2013

Los Angeles County Regional Planning Commission
320 W. Temple Street
Los Angeles, California 90012
[ sent via e-mail c/o planning staff to Rruis@Planning.lacounty.gov, JNygren@planning.lacounty.gov, ALin@planning.lacounty.gov]

Re: Project # R2010-01071-3 (CUP #201100012; Environmental Assessment #201100019 )
[submitted for consideration by Commission at 2/13/2013 hearing]

Dear Commissioners Valadez, Louie, Helsley, Petersen and Modugno:

I am writing to you on behalf of the Malibu Lakeside Homeowners Association (MLHA). The Association thanks you for continuing this matter from December 2012 to enable the parties to work together to set aside a portion of this property as open space for ongoing use in accordance with its R-R zoning, as was recommended at the December hearing. We realize that you have not been privy to the settlement negotiations due to the fact that these matters are normally considered confidential. We do want you to know that MLHA has made extensive efforts to work with the property owners towards an equitable resolution of this matter.

In this vein, MLHA’s representatives met with the owners on January 10, 2013 and made a comprehensive offer that would have resulted in the Association’s working cooperatively with the owners to obtain the necessary approvals from the County and this Commission to preserve a portion of the land and develop the remainder as constrained by current laws, guidelines, and community standards. This offer was rejected, leaving MLHA no alternative but to continue its opposition to the current CUP proposal which has not addressed numerous legal and physical constraints on such a project. On February 5, 2013, MLHA made a further offer as an avenue for partial resolution of this dispute. It stands ready to continue good faith negotiations if the owners desire to do so. We appreciate your time and attention to this matter.

Very truly yours,

Alyse M. Lazar
CC: Fred Gaines

Letter for L.A. County Regional Planning Commission2/13/13 hearing re Project #R2010-01071-3
February 11, 2013

ORIGINAL BY HAND DELIVERY

VIA E-MAIL: jnygren@planning.lacounty.gov

David W. Louie, Chair
Regional Planning Commission
Los Angeles County
320 W. Temple Street
Los Angeles, CA 90012

Re: Project No. R2010-01071-3
29153 Crags Road, Malibu Lake
Regional Planning Commission Meeting - February 13, 2013
Support for Project Approval

Dear Chairman Louie and Honorable Commissioners:

This office represents Leight Sales Co., Inc. ("LSC"), the owner of the property referenced above (the "Properties"), with regard to the pending application. We support staff's recommendation of approval of the subject project, and our client respectfully requests that the Commission approve the pending application.

Pursuant to the Commission's recommendation at the December 5, 2013 public hearing, LSC met in good faith with members of the Malibu Lake community to discuss the possibility of dedicating an easement over a portion of the Properties for use by the community for passive recreational purposes. As a result of that meeting, LSC has agreed to a condition of approval that it provide an irrevocable offer to dedicate an easement over a 9,500 square-foot area on the Properties for such purposes. LSC also agreed to a condition of approval restricting the western portion of the Properties from improvement with any structures and prohibiting the removal of any trees with a diameter of eight inches or greater. The portions of the Properties that are subject to these volunteered conditions of approval are depicted on the attached exhibit as "A" and "B," respectively.
Despite LSC's good faith efforts to accommodate some use of the Properties by the community for passive recreational purposes, the neighbors remain opposed to the project. Most recently, counsel for the Malibu Lakeside Homeowners conveyed an offer to purchase one of the Properties, but the "offer" did not include a price or indicate a time frame within which the purchase would take place. Settlement under such uncertain terms is not feasible, and while LSC will consider any reasonable offer to purchase the Properties, approval of the pending application should not be delayed while the neighbors consider whether to make such an actual offer.

LSC's proposal is consistent with the zone, consistent with the Santa Monica Mountains North Area Plan, and is sensitive to the rural nature of the area. The proposed homes are modest in size in relation to the size of the lots, with lot coverage of less than 6% for each parcel. Furthermore, the large setbacks and abundant mature trees and other landscaping will serve to shield the homes from view.

**Based upon the foregoing, our client respectfully requests that the Commission approve the pending application.**

Thank you for your consideration of these issues. As always, please do not hesitate to contact me at any time with any questions or comments that you may have.

Sincerely,

GAINES & STACEY LLP

By

FRED GAINES

cc:  Rosie Ruiz, Commission Secretary  
     Jarod Nygren, Department of Regional Planning  
     Ben Saltzman, Supervisor Yaroslavsky's Office