Hearing Officer/Regional Planning Commission Transmittal Checklist

Project Number:  R2010-01071 (3)

Case(s):
- Conditional Use Permit Case No. 201100012
- Oak Tree Permit Case No. 201100011
- Environmental Assessment Case No. 201100019

Planner:  Jarod Nygren

☐ Supplemental Information
☐ Updated Findings
☐ Updated Conditions
☐ Exhibit “A” depicting applicant’s offer to community
☐ Picture of 9,500 square foot area applicant is offering
☐ Letter from Malibou Lakeside Homeowner’s Association
☐ Staff Analysis
☐ Oak Tree Permit conditions
☐ Approval letters for CUP
☐ Initial Study/Mitigation Monitoring Program

Reviewed By: [Signature]
February 5, 2013

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

FROM:     Jarod Nygren, Field Offices Section

SUBJECT:  Project Number R2010-01071-(3)
          Conditional Use Permit No. 201100012
          Oak Tree Permit No. 201100011
          Environmental Assessment No. 201100019
          Hearing Date: February 13, 2013
          Agenda Item No. 6

SUPPLEMENTAL INFORMATION

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. Associated Oak Tree Permit No. 201100011 is a request to remove one oak tree on one of the lots.

The project was previously scheduled for a continued public hearing before the Regional Planning Commission on January 9, 2013 where it was continued to February 13, 2013. At the first hearing on December 5, 2012, the Commission recommended that the applicant look into the possibility of locating the septic system leach fields on individual lots rather than using an easement and dedicating land on the subject properties to the Malibou Lake community for recreation purposes.

Since the public hearing on December 5th, staff organized a meeting on December 19, 2012 with members of the Malibou Lake community and the applicant to discuss communities concerns and address the Commission's recommendations. As a result of
the meeting, the following changes have been incorporated as proposed conditions of approval (refer to attached draft conditions #23-30):

- The permittee has agreed to provide an irrevocable offer to dedicate an easement or other appropriate interest to the Malibou Lakeside Homeowner’s Association for a minimum 9,500 square-foot area marked “A” on the Exhibit “A” to be available for community recreational access and uses in compliance with the R-R Zone. 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.
- 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.”
- 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.
- 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 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 the first floor in order to provide varied building bulk and interest and ensure compatibility with surrounding residences.
- 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, and greens and are muted and flat in emulation of the natural colors found in dirt, rocks, and vegetation.
- 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 applicant has looked into the possibility of placing the septic system leach field on individual lots rather than using an easement. It was found that it’s not feasible to place the leach field on the individual lots due to the Health Department’s leach field size requirements, setback requirements, and limited area with percolation approved. Adjusting the lot line in order to put the leach field on individual lots splits the leach field in half and with the 5 feet setback requirements required by the Health Department, the
applicant loses 10 feet of current leach field area. With that 10 feet being removed, the leach field would not meet the size requirements for the single-family homes. Since the applicant cannot place the leach fields on individual lots, the applicant has agreed to record a standard covenant used by the Health Department for this type of design.

On February 5th, staff received correspondence from the attorney representing the Malibou Lake Homeowner’s Association (MLHA) presenting an alternative proposal to the applicant. No other new correspondence has been received.

**SUGGESTED APPROVAL MOTIONS**

I move that the Regional Planning Commission has considered the Mitigated Negative Declaration for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that the project and/or suggested conditions will adequately mitigate these impacts to a level of no significance.

In view of the findings of fact and conclusions presented above, I move that the Regional Planning Commission close the public hearing and approve Conditional Use Permit No. 201100012 and Oak Tree Permit No. 201100011 subject to the attached findings and conditions.

Prepared by Jarod Nygren, Regional Planning Assistant II  
Reviewed by Annie Lin, Supervising Regional Planner, Field Offices

Attachments
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

Draft 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. The irrevocable offer to dedicate includes a 9,500 square feet area on parcel 2 to be used by the community for passive recreational uses subject to the recorded document. 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 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.

11. 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 Malibou 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

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

JN
1/31/13
[DRAFT] 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 (2156.25 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 for a minimum 9,500 square-foot area marked "A" on the Exhibit "A" to be available for community recreational access and uses in compliance with the R-R Zone. 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 the Department of Public Works' approval and acceptance, the applicant offers to relocate the bus stop along Seminole Drive to a location completely within the Seminole Drive street dedication.

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

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

34. 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.

35. 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.

36. 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.

37. 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 plant 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.

Attachments:
Public Health Letter
Fire Letter
Public Works Letter

AL: JN
1.30.13
The project is a request for and oak tree permit to allow the removal of one oak tree (Oak Tree No. 25) to construct a new single-family residence, swimming pool and associated grading, subject to the following conditions of approval:

1. This permit shall not be effective until a plot plan is approved for the construction of the single-family home, swimming pool and associated grading, demonstrating the need to remove the said tree.

2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester's letter dated January 24, 2012.

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

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the 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. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

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

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

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

7. 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 deposit provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at $200 per inspection) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.

8. 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.

9. 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.

10. 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.

11. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated January 24, 2012 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

   a. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) 15 gallon trees.

12. In addition to oak tree permit conditions of the Fire Department’s Forestry Division, the permittee shall plant one acorn with each mitigation oak tree.

13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.

14. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit “A.”

15. In the event that subsequent revisions to the approved Exhibit “A” are submitted, the permittee shall submit three (3) 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.

16. Upon any transfer 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 of said property.
17. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, 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.

PROJECT SITE SPECIFIC CONDITIONS

18. The permittee shall strictly comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden letter dated January 24, 2012, to the satisfaction of said department.

January 24, 2012

Jarod Nygren, Regional Planning Assistant II
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Nygren:

OAK TREE PERMIT NUMBER 2011-00011
PROJECT NUMBER R2010-01071
29153 CRAGS DRIVE, AGOURA

We have reviewed the "Request for Oak Tree Permit #2011-00011." The project is located at 29153 Crags Drive in the unincorporated area of Agoura. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Richard Ibarra, the consulting arborist, dated September 7, 2011.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of $500. Such fees shall be used to compensate the County Forester $100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  CALABASAS  DIAMOND BAR  HIDDEN HILLS  LA MIRADA  MALIBU  POMONA  SIGNAL HILL
ARTEZIA  CARSON  DUARTE  HUNTINGTON PARK  LA PUENTE  MAYWOOD  RANCHO PALOS VERDES  SOUTH EL MONTE
AZUSA  CERRITOS  EL MONTE  INDUSTRY  LAKEWOOD  NORMAN  ROLLING HILLS  SOUTHGate
BALDWIN PARK  CLAREMONTHILLS  GARDENA  INGLEWOOD  LANCASTER  PALMDALE  WATERSIDE
BELL  CERRITOS  GLENDALE  IRWINDALE  LAWNDALE  PALOS VERDES  ROSEMAD  WEST HILLS
BELL GARDENS  COMMERCE  HAWAIIAN GARDENS  LA CANADA FLINTRODGE  LOMITA  PARAMOUNT  SAN DIMAS
BELFLOWER  CUDAHY  HAWTHORNE  LA HABRA  LYNWOOD  PICO RIVERA  SANTA CLARITA  WHITTIER
BRADBURY 
inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and four (4) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.

5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.

6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan, and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan, and conditions of approval.

**PERMITTED OAK TREE REMOVAL:**

7. This grant allows the removal of one (1) tree of the Oak genus (*Quercus lobata*) identified as Tree Number 25 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.

8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines
are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

**MITIGATION TREES:**

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) trees.

11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.

12. Mitigation trees shall consist of indigenous varieties of *Quercus lobata*, grown from a local seed source.

13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture’s "Guide for Plant Appraisal."

14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.

15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

**NON-PERMITTED ACTIONS AND VIOLATIONS:**

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture’s "Guide for Plant Appraisal."

18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.

19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.

21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.

22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,

[Signature]

MICHAEL Y. TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:jl

Enclosure
July 11, 2012

TO: Jarod Nygren  
Field Office Section  
Department of Regional Planning

FROM: Ken Habaradas, M.S., REHS  
Environmental Health Division  
Department of Public Health

SUBJECT: PROJECT NO. R2010-01071 / RCUPT 201100012  
28153 CRAGS DRIVE, AGOURA

☒ Public Health recommends approval of this CUP.  
☐ Public Health does NOT recommend approval of this CUP.

The Department of Public Health has reviewed the information provided for the project identified above. The project includes a request for a CUP to authorize the construction of single-family residences within the R-R zone within the Santa Monica Mountain North Area Boundary, Malibu Lake area.

The Department recommends approval of the CUP, subject to the attached conditions.

For questions regarding the attached reports, please contact the individual listed on the bottom of the report. For all other questions, please contact me at (626) 430-5382.

KHkh
The Land Use Program has reviewed the technical reports prepared by Gold Coast Geoservices, Inc. regarding the proposal to use onsite wastewater treatment systems (OWTS) at the above property. The data contained in the reports tends to support a premise that the referenced Parcel 1 can reasonably accommodate the installation of OWTS for both Parcel 1 and Parcel 2. The Land Use Program (the Program) has no objection to the approval of the project contingent upon the following provisions:

A. Prior to development of either Parcel 1 or 2, the proposed sewer easement shall be established. The Program will accept an easement that is completely dedicated for the purpose of installing OWTS when it has been recorded through Assessor’s Office reflecting such use. All easement holders (Property owners of Parcel 1 and 2) shall agree to the installation of the system or portion of it in the easement and shall express their agreement through a Covenant and Agreement document, recorded through County Recorder’s office. It is the recommendation of the Program that to the greatest extent possible the OWTS intended to be utilized for Parcel 2, to be installed on the same parcel. The report prepared by Gold Coast Geoservices, Inc. dated May 29, 2012 indicates that there may be areas on Parcel 2 that could be suitable for the installation of leach field type dispersal system.

B. Prior to the construction and installation of the OWTS, a feasibility report that has been completed in accordance with the requirements specified in the document titled, “The Professional Guide to Requirements and Procedures for OWTS” to include the present and 100% future expansion dispersal systems shall be submitted to the Program for review and approval. All leach lines for each dispersal system (primary and future expansion) shall be equal in length and size. If extreme geological circumstances exist on the property that precludes the installation of leach lines equal in length, the qualified professional shall design the dispersal system in a manner to ensure that the anticipated volume of wastewater received by each leach line is proportionate to the length of each leach line. The designing qualified professional shall provide information describing the design configuration to include a statement attesting that the design will not create inundation. If the area is known to have high ground/subsurface waters, the groundwater monitoring shall be conducted during the months of March, April and May by a California Registered Geologist within the immediate area of the proposed dispersal field and at a depth that ensures the required vertical set back to the ground/subsurface water can be achieved.

The consent granted herein is intended for the CUP review process only that encompasses the requirements applicable to OWTS, and does not authorize any land development until all conditions set forth here have been satisfactorily fulfilled.

If due to the development, unforeseen geological limitations, required setbacks and flood or surface/ground water related concerns or for any other related reasons, conformance with all applicable requirements cannot be achieved; this conceptual approval shall be deemed void. Any future grading in the area where test borings are located may nullify the data that provided the basis for this approval.

For questions regarding the above conditions, please contact Patrick Nejadian at (626) 430-5390.
May 9, 2012

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention Jared Nygren

FROM: Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201100012
PROJECT NO. R2010-01071
29153 CRAGS DRIVE
ASSESSOR’S MAP BOOK NO. 4462, PAGE 5, PARCEL NOS. 22 AND 23
UNINCORPORATED COUNTY AREA OF MALIBOU LAKE

☒ Public Works recommends approval of this CUP.
☐ Public Works does NOT recommend approval of this CUP.

We reviewed the site plan for CUP No. 201100012, in the unincorporated area of Malibu Lake, located at 29153 Crags Drive. The project is for the construction of two single-family residences.

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

1. Road

  1.1 Dedicate right of way, 20 feet from the centerline, along the property frontage on Crags Drive. Five feet of additional right of way is required along the property frontage. The required 30 feet dedication was reduced on Crags Drive and waived on Paiute Drive and Seminole Drive due to neighborhood pattern constraints. A separate fee deposit will be required to process the dedication.
1.2 Maintain a 20 foot minimum pavement width along the property frontages on 
Craggs Drive, Paiute Drive, and Seminole Drive to the satisfaction of 
Public Works. Grade the remaining parkway/shoulder at 2 percent 
cross-slope within ultimate right of way.

1.3 Obtain an encroachment permit for the construction of the proposed 
driveways to the satisfaction of Public Works.

1.4 Acquire street improvement plan approval or direct check status before 
obtaining a grading permit.

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

2. Grading

2.1 Agency/regulatory permits or letters of nonjurisdiction may be required prior 
to grading plan approval.

2.2 Submit a grading plan for approval. The grading plan must show and call 
out the following items including, but not limited to, construction of all 
drainage devices and details, paved driveways, elevation and drainage of all 
pads, Standard Urban Stormwater Mitigation Plan (SUSMP) devices, and 
any required landscaping and irrigation not within a common area or 
maintenance easement. Acknowledgement and/or approval from all 
easement holders may be required.

2.3 Grading plan approval by Public Works' Geotechnical and Materials 
Engineering Division is required.

2.4 Provide approval of the latest drainage concept/hydrology/SUSMP by 
Land Development Division, Storm Drain and Hydrology Section.

2.5 Conform with applicable Low-Impact Development (LID) requirements to the 
satisfaction of Public Works (if applicable).

2.6 A maintenance agreement or the Covenants, Conditions and Restrictions 
may be required for all privately maintained drainage devices, slopes, and 
other facilities.
2.7 Submit permits and/or letters of nonjurisdiction from all State and Federal agencies, as applicable. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and the Army Corps of Engineers.

For questions regarding the road and grading conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

3. Drainage

3.1 Per County Code Section 12.84.460, comply with LID standards in accordance with the LID Standards Manual, which can be found at http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf.

3.2 Prior to issuance of building permits, plans must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties; to eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action; and to comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and SUSMP requirements.

For questions regarding the drainage conditions, please contact Chris Sheppard at (626) 458-4921 or csheppard@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.
DATE: July 13, 2011

TO: Department of Regional Planning
   Permits and Variances

PROJECT #: CUP R2010-01071

LOCATION: 29153 Cragen Drive, Agoura

☐ The Fire Department Land Development Unit has no additional requirements for this permit.

☐ The required fire flow for this development is ___ gallons per minute for ___ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.

☐ Verify ___ 6" X 4" X 2 1/2" public fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☐ This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). An Approved Fuel Modification Plan shall be submitted and approved prior to Building Permit issuance. For details contact the Fuel Modification Unit, Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.

☐ Comments: The Fire Department recommends approval of this project as presently submitted with the following conditions of approval.

☐ Water: Per the fire flow test performed by Las Virgenes Municipal Water Company dated 07-28-11, the existing water system meets current Fire Department standards.

☐ Access: The access as shown on the site plan filed in our office meet the Fire Department standards.

☐ Conditions of Approval:
   - The required residential fire sprinkler system shall comply with the LA County Fire, Building, and Residential Codes.
   - All proposed swimming pools shall comply with the Fire Department's Regulation 26, Auxiliary Water Sources.
   - Compliance is required of all other "Fire Department Notes" as indicated on the site plan filed in our office.

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

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783
February 5, 2013

Mr. Fred Gaines
Gaines and Stacey LLP
16633 Ventura Blvd. Suite 1220
Encino, CA 91436-1872
[sent via U.S. mail and e-mail fgaines@gaineslaw.com]

Re: Project No. R2010-01071-3 – Address: 29153 Crags Drive, Malibu Lakeside
Offer to Compromise

Dear Mr. Gaines:

I am writing this letter on behalf of the Malibu Lakeside Homeowners Association (MLHA) to offer a compromise regarding the current controversy involving the future use of your clients’ Crags Drive property. Since the December Planning Commission hearing, the homeowners have been working cooperatively with you and your clients in an effort to resolve this matter. The verbal offer which MLHA proposed on January 10, 2013 that covered many issues was rejected by Mr. Haskins and Mr. Moskowitz. While not as extensive, we believe that this proposal will lead to a successful resolution of this matter for your clients, the county and the community.

MLHA is interested in maintaining the nearly 100 year continuity of use of this Malibu Lakeside Community recreation and resort property, at least in part, as a community recreational resource. Additionally, it is important to the Association that all homes built within this community conform to historic development within the immediate subdivision in terms of their size and character as affirmed as a guiding principle in the North Area Plan.

For these reasons, we propose that Parcel 1 or Parcel 2 remains as undeveloped parkland which would be permanently designated as open space through a deed restriction. In conjunction with any entities potentially willing to assist with the funding, we would negotiate a reasonable purchase price with the property appraised similar to open space/parkland, based on its current permissible zoning and use. This recreational property would be administered and maintain by the MLHA as a park and outdoor recreation area for the benefit of the Malibu Lakeside community.

This offer is being made in order to bring this controversy to a swift and fair conclusion where both parties are willing to make some sacrifices in order to reach an equitable result. As you are
aware, if no compromise is reached at this juncture, the project could be postponed for years while appeals are taken to the Board of Supervisors and the courts and, if successful, the preparation of an EIR would be required. Such a process would be costly to your clients, MLHA and the county creating much ill-will among the parties. Conversely, at a great cost savings to your clients and a more useful expenditure of MLHA’s funds, the property would be able to be sold quickly and your clients could move on as they have expressed the desire to do.

If your clients are amenable to this offer, please contact me and we will work with you and the County towards this resolution.

Very truly yours,

_Alyse Lazar_

Alyse M. Lazar

Cc: Los Angeles County Regional Planning Director Richard Bruckner
   Annie Lin and Jarod Nygren
   320 W. Temple Street
   Los Angeles, California 90012
   [sent via e-mail: rbruckner@planning.lacounty.gov; alin@planning.lacounty.gov; jnygren@planning.lacounty.gov]
PROJECT DESCRIPTION
The applicant is proposing two new single-family residences on two 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, 1,784 cubic yards (892 cut and 892 fill) 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 (675 cut and 675 fill) 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.

REQUESTED ENTITLEMENTS
Conditional Use Permit: The applicant is requesting a Conditional Use Permit to authorize the construction of two single-family homes on two lots in the R-R (Resort and Recreation) Zone pursuant to County Code Section 22.44.133.E.5.

Oak Tree Permit: The applicant is requesting an oak tree permit to remove one oak tree, identified as Oak Tree Number 25 in an oak tree report dated January 24, 2012.

LOCATION
29153 Crags Drive, Agoura Hills, Malibu Lake, within the Malibu Zoned District, the Santa Monica Mountains North Area Community Standards District (CSD), and the Santa Monica Mountains North Area Plan.

PHYSICAL FEATURES
The subject properties are relatively large parcels with a combined lot area of 4.65 gross acres. The topography slopes slightly downward (less than 25%) from south to north and east to west. There is a seasonal drainage course on the west end of the properties and oak trees and sycamores in various locations. The property is currently undeveloped; however, there was a community club that has been demolished and
remnants of the previous club remain. Smaller lots surrounding the subject properties are either developed with single-family homes or remain undeveloped. Topography to the south, east, and west consists of steep terrain with slopes of twenty-five percent or more. To the north, the terrain is relatively flat until it reaches Malibou Lake.

EXISTING ZONING
Subject Property: The properties are zoned R-R-1 (Resort Recreation-One Acre Minimum Required Lot Area).

Surrounding properties: Surrounding properties within 500 feet are zoned R-1-1 (Single-Family Residence-One Acre Minimum Required Lot Area) and one lot approximately 300 feet to the southwest is zoned A-1-1 (Light Agricultural-One Acre Minimum Required Lot Area).

EXISTING LAND USES
The subject properties are currently vacant.

SURROUNDING LAND USES
Land uses within 500 feet of the subject properties consist of vacant land and single-family residences in all directions.

ENVIRONMENTAL DETERMINATION
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 suggested conditions will adequately mitigate environmental impacts to a level of less than significant.

LEGAL NOTIFICATION AND PUBLIC OUTREACH
Pursuant to the provisions of County Code Sections 22.44.133, 22.60.174 and 22.60.175, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

CUP BURDEN OF PROOF
As required by County Code Section 22.56.040, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer the following facts:

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

It is staff's opinion that the proposed project meets the burden of proof.

Oak Tree Permit Burden of Proof
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.

PREVIOUS CASES/ZONING HISTORY
The applicant previously submitted two Director's Review applications for the two single-family residences pursuant to the Santa Monica Mountains CSD Section 22.44.133.E.5. This section allows single-family homes through Director's Review provided no more than one protest to the granting of the application from persons owning or occupying property within 500 feet of the subject property are received within the specified protest period. The Director's Review applications were denied because more than one protest was received. Accordingly, the applicant submitted the
Conditional Use Permit application pursuant to County Code Section 22.44.133.E.5.a.ii.(D).

STAFF EVALUATION

PROJECT BACKGROUND, ISSUES AND REDESIGN
The project was previously scheduled for a public hearing before the Hearing Officer on October 16, 2012. Prior to the hearing, staff received numerous emails and one letter in opposition to the project. Due to the community concerns, the Hearing Officer referred the project to the Regional Planning Commission (RPC). Prior to the RPC hearing, staff organized a meeting on October 30, 2012 between the applicant and community members who previously commented on the project to discuss their concerns. Representatives from Public Works and Health also attended the meeting.

The main issues addressed at the meeting included:
- Drainage: Building and Safety will require a hydrology study prior to building permit issuance to ensure there is no increase in flow from the property due to the proposed single-family homes.
- Proposed septic system: Neighbors expressed concerns about septic feasibility. Public Health confirmed that it has reviewed the technical reports for the proposed use of septic systems for the subject properties and determined that the western parcel can reasonably accommodate the installation of an onsite wastewater treatment system for both parcels. Public Health recommends approval of this CUP.
- Proposed size of homes: Since the hearing before the Hearing Officer, the applicant has twice reduced the proposed size of the residences due to neighborhood concerns. The residence on APN 4462-005-023 has been reduced from the original proposal of 7,503 square feet to 6,100 and now 5,900 square feet maximum, a 21 percent size reduction. The residence on APN 4462-005-022 has been reduced from 7,885 to 6,100 and now 5,900 square feet maximum, a 25 percent size reduction.

The applicant has also removed the proposed putting green, and agreed to traditional Spanish Mediterranean architectural design and screening with native landscaping.

GENERAL PLAN CONSISTENCY
The properties are subject to the Santa Monica Mountains North Area Plan and are designated as N1 (Rural Residential 1) in the Plan. This designation is intended for residential development, generally not to exceed one unit per acre. The subject properties are 2.25 and 2.4 gross acres respectively, which are larger than the one acre minimum lot size requirement. The project does not exceed the density threshold and the development of two single-family homes on two legal lots is consistent with the uses
contemplated for the subject property. The proposed single-family residences, therefore, are consistent with the residential nature of the N1 land use designation.

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.

R-R ZONE DEVELOPMENT STANDARDS COMPLIANCE
The proposed projects are located in the R-R-1 zone. The R-R Zone requires parking spaces pursuant to Part 11 of Chapter 22.52. Two covered parking spaces are required for each single-family residence and three covered spaces are provided.

SANTA MONICA MOUNTAINS NORTH AREA CSD COMPLIANCE
Section 22.44.133.F.3 of the CSD has requirements concerning maximum height, off-street parking, street access, fire sprinklers and lot coverage. Structures shall not exceed 35 feet above grade in the R-R zone. The proposed 32 feet high residences are lower than the 35 feet maximum allowed. Requirements for off-street parking are met. The Fire Department and Public Works have reviewed the access and fire concerns and approved the project with attached conditions. The two proposed single-family residences are on large lots compared to those in the direct vicinity and have 8.2 percent and 8.0 percent lot coverage respectively, which is far below the maximum of 25 percent lot coverage allowed by the CSD.

NEIGHBORHOOD IMPACT/LAND USE COMPATABILITY
The surrounding land uses consist of single-family residences and vacant land. All of the properties within the 500 feet boundary of the proposed project site are zoned R-1 (single-family residence) except one property to the southwest that is zoned A-1 (light agricultural). The subject properties are within the Malibu Lake community which was developed in the 1920's with the intention of creating single-family homes near the lake. The Fire, Public Works, and Health Departments have reviewed the project and concluded that the proposed residences can be constructed and maintained in accordance with all applicable codes provided that conditions of approval are required.

The proposed residences are on large over 2-acre lots compared to lots in the direct vicinity which average approximately 7000 square feet. The proposed lot coverage of 8.2 and 8.0 percent is less than most nearby residences which typically have lot coverage of 20-30 percent. The 32-feet high two residences are below the maximum 35 feet height limit. Within the vicinity, there are multiple two-story homes that approach the 35 feet height limit. The proposed residences also meet all residential yard setbacks although there are no setback requirements in the R-R zone. The large setbacks for the residences create a buffer from the property lines so that there will not be any shadows cast onto surrounding areas. The setbacks proposed by the residences are much larger than those of surrounding residences. Existing and proposed trees and vegetation located within those setbacks between the road and the structures will help screen the
residences from neighboring properties. The houses will be constructed of typical building materials that are not shiny so that glare will not impact the surroundings. They are not located on ridgelines, nor do they alter any existing land forms or seasonal drainage course in a significant way. The houses will only be visible from the adjacent right-of-ways closest to the residences and from residences within the direct vicinity.

The properties will be served by Crest Drive to the south, Paiute Drive to the north and Seminole Drive to the east without major level-of-service issues. Traffic to and from the site will be minor, as only two dwelling units are proposed. Public Works has conceptually approved the project indicating that the existing access roads are sufficient for the proposed single-family residences.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

FIRE DEPARTMENT
County Fire Department was consulted and issued a letter clearing the project for public hearing on July 13, 2011 (attached). According to the letter, the fire water flow and access are adequate. The applicant must also meet all other conditions of approval recommended by the County Fire Department.

DEPARTMENT OF PUBLIC WORKS
The Department of Public Works was consulted and issued a letter clearing the project for public hearing on May 9, 2012. The applicant must meet all the conditions of approval recommended by the Department of Public Works.

DEPARTMENT OF PUBLIC HEALTH
The Department of Public Health as consulted and issued a letter clearing the project for public hearing on July 11, 2012. DPH recommends that prior to construction a feasibility study be conducted indicating an on-site wastewater (OWTS) in compliance with the County Plumbing Code can be installed on the project site. DPH is also requiring that a sewer easement be established on parcels 1 and 2. Both of these requirements are conditions of approval.

PUBLIC COMMENTS
The major community comments, in addition to previous concerns, include the following:
- Requests for the properties to remain vacant open space, to be used as a fire staging area or a park.
- Compatibility of the homes. The applicant has agreed to reduce the size of the homes, use a Spanish, Mediterranean or traditional architectural style with earth tone colors only, and plant native landscaping for screening. Staff has incorporated specific conditions addressing home design and color, maximum lot coverage and floor area, and required native landscaping.
- Fire Safety: The Fire Department recommended approval of this project as it meets water and access requirements. Staff has also incorporated conditions prohibiting
obstructions within the public right of way during construction and compliance with all regulations pertaining to construction on red flag days.

- Night lighting: As part of the mitigation monitoring program, 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.

- Oak tree removal: The Fire Department, Forestry Division has reviewed the project and recommended approval of the request to remove one non-heritage oak tree, with 41 oak trees remaining on-site. Recommended conditions include the planting of two 15-gallon oak trees and two acorns.

- Completion and restoration bond request: Public Works determined that a grading bond is not warranted due to applicable grading code requirements.

- Putting green: The applicant has agreed to remove the putting green from the application after attending the meetings.

FEES/DEPOSITS
If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer. Staff does not recommend a grant term for this permit because the project is for construction of single-family residences.

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

Staff recommends approval of Conditional Use Permit No. 201100012, Oak Tree Permit 201100011 and the associated Mitigated Negative Declaration, subject to the attached findings and conditions.

SUGGESTED APPROVAL MOTIONS

I move that the Regional Planning Commission has considered the Mitigated Negative Declaration for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that the project and/or suggested conditions will adequately mitigate these impacts to a level of no significance.

In view of the findings of fact and conclusions presented above, I move that the Regional Planning Commission close the public hearing and approve Conditional Use Permit No. 201100012 and Oak Tree Permit No. 201100011 subject to the attached findings and conditions.

Prepared by Jarod Nygren, Regional Planning Assistant II
Reviewed by Annie Lin, Supervising Regional Planner, Field Offices
Environmental Checklist Form (Initial Study)
County of Los Angeles, Department of Regional Planning

Project No: R2010-01071

Case No(s): Environmental Review No. RENV1 201100019 / Conditional Use Permit No. RCUPT 201100012

Lead agency name and address: The Department of Regional Planning, 320 West Temple Street, Los Angeles, 90012.

Contact Person and phone number: Jarod Nygren, (818) 880-3799

Project sponsor's name and address: Leight Sales Company, INC, 1051 East Artesia Boulevard, Carson CA 90746.

Project location: 29153 Craggs Drive, Agoura

APN: 4462-005-022 and 023 USGS Quad: Point Dume

Gross Acreage: 4.65 Acres

General plan designation: N/A

Community/Area wide Plan designation: N1 - Rural Residential 1. 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.

Zoning: The subject properties are within the Santa Monica Mountain North Area boundary, Malibu Lake area. The zoning designation for the two subject properties are Resort Recreation (R-R). The Santa Monica Mountains North Area Plan allows single-family residences to be approved through a Directors' 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 either denied, or the applicant can apply for a Conditional Use Permit for a single-family residence within the R-R zone. 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.

Description of project: Applicant is proposing two new single-family residences located on vacant Assessor’s Parcel Numbers 4462-005-022 and 4462-005-023. The single-family residence located on Assessor’s Parcel Number 4462-005-022 will consist of a new 32 feet high, 2-story, 7,885 square feet residence with attached 3-car garage, swimming pool, 1,784 cubic yards (892 cut and 892 fill) of grading, retaining wall, attached patio, driveway, entry gate, and private sewage disposal system. The lot coverage for the single-family residence including the swimming pool and patio covers is 8,087 square feet. An 8,087
square feet footprint for development equates to 8.2 percent lot coverage for the subject parcel. Assessor's Parcel Number 4462-005-023 will also consist of a new 32 feet high, 2-story, 7,503 square feet single-family residence with attached 3-car garage, putting green, swimming pool, 1,350 cubic yards (675 cut and 675 fill) of grading, attached patio, driveway, entry gate, and private sewage disposal system. The lot coverage for the single-family residence, including the swimming pool, and patio covers is 8,376 square feet. An 8,376 square feet footprint for development equates to 8.0 percent lot coverage for the subject parcel. The two properties get access from Crag's drive, an improved public right-of-way. The subject properties are served by Las Virgenes Municipal Water District. Construction of the single-family residences will require the removal of one oak tree on parcel 1. No other oak trees will be impacted by the project development. The oak tree being removed will be replaced by the planting of two fifteen (15) gallon oak trees.

**Surrounding land uses and setting:** The projects surroundings consist of single-family residences and vacant lots to the north, south, east and west. The surrounding lots are very small and often cannot meet County Code lot area requirements for single-family development. The setting is rural in nature consisting of hillsides and is low-density without typical urban services, such as curbs, gutters, sidewalks, street lights, landscaping, and traffic signalization.

**Major projects in the area:**

<table>
<thead>
<tr>
<th>Project/Case No.</th>
<th>Description and Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>R2007-02638</td>
<td>New single-family home with 0' front yard setback and no uncovered parking spaces provided onsite as required by the Santa Monica Mountains North Area Plan, Malibu Lake area.</td>
</tr>
</tbody>
</table>
### Reviewing Agencies:

#### Responsible Agencies
- None

#### Regional Water Quality Control Board:
- None
- Los Angeles Region
- Lahontan Region
- Coastal Commission
- Army Corps of Engineers

#### Special Reviewing Agencies
- None
- Santa Monica Mountains Conservancy
- National Parks
- Native American Heritage Commission
- Edwards Air Force Base

#### Regional Significance
- None
- SCAG Criteria
- Air Quality
- Water Resources
- Santa Monica Mountains Area

### Trustee Agencies
- None
- State Dept. of Fish and Game
- State Dept. of Parks and Recreation

### County Reviewing Agencies
- DPW:
  - Land Development Division
  - Geotechnical & Materials Engineering Division
  - Building and Safety (building plan check and grading/drainage review)

- Fire Department
  - Forestry, Environmental Division
  - Land Development Unit

- Sanitation District
- Public Health/Environmental Health Division: Land Use Program (OWTS), Drinking Water Program (Private Wells)
- Sheriff Department
- Parks and Recreation
- Subdivision Committee
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project.

☐ Aesthetics  ☐ Greenhouse Gas Emissions  ☐ Population/Housing
☐ Agriculture/Forest  ☐ Hazards/Hazardous Materials  ☐ Public Services
☐ Air Quality  ☐ Hydrology/Water Quality  ☐ Recreation
☐ Biological Resources  ☐ Land Use/Planning  ☐ Transportation/Traffic
☐ Cultural Resources  ☐ Mineral Resources  ☐ Utilities/Services
☐ Energy  ☐ Noise  ☐ Mandatory Findings of Significance
☐ Geology/Soils

DETERMINATION: (To be completed by the Lead Department.)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature (Prepared by) ____________________________ Date ____________

Signature (Approved by) ____________________________ Date ____________
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources the Lead Department cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the Lead Department has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level. (Mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.)

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA processes, an effect has been adequately analyzed in an earlier EIR or negative declaration. (State CEQA Guidelines § 15063(c)(3)(D).) In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

7) The explanation of each issue should identify: the significance threshold, if any, used to evaluate each question, and; mitigation measures identified, if any, to reduce the impact to less than significance. Sources of thresholds include the County General Plan, other County planning documents, and County ordinances. Some thresholds are unique to geographical locations.

8) Climate Change Impacts: When determining whether a project’s impacts are significant, the analysis should consider, when relevant, the effects of future climate change on: 1) worsening hazardous conditions that pose risks to the project’s inhabitants and structures (e.g., floods and wildfires), and 2) worsening the project’s impacts on the environment (e.g., impacts on special status species and public health).
1. AESTHETICS

Would the project:

a) Have a substantial adverse effect on a scenic vista?

The single-family residences will not have an adverse effect on a scenic vista. They are not located on mountain tops, nor do they alter any existing land forms in a significant way. The earth tone color houses will only be visible from the adjacent public right-of-ways closest to the residences. 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 houses meet all the development standards for single-family residences, including the setbacks, which is not required in the R-R zone. This includes being under the maximum height requirement of 35 feet. Both of the residences are 32 feet in height, limiting the visual impacts on the surrounding areas.

b) Be visible from or obstruct views from a regional riding or hiking trail?

The Triunfo Canyon lateral trail passes by the subject properties along Crags Drive. Crags Drive is already a publicly traveled road that has multiple single-family residences located on and around it. Although the proposed earth tone single-family residences may be visible from Crags Drive, they will not obstruct the views and will not be out of character for the area. This includes being under the maximum height requirement of 35 feet. Both of the residences are 32 feet in height, limiting the visual impacts.

c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There is an oak tree located on the subject properties that will be impacted by development. An approved oak tree permit is required to mitigate any impacts of the oak tree removal. The one tree being removed will be replaced by two 15 gallon trees and monitored according to Forestry requirements. 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 Plan.

d) Substantially degrade the existing visual character or quality of the site and its surroundings because of height, bulk, pattern, scale, character, or other features?

The existing surroundings consist of small houses on small lots. 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 Plan lot coverage requirements. The Santa Monica Mountains North Area Plan 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 residence measure at 32 feet tall, which is 3 feet below the permitted 35 feet height limit. 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 Plan.

e) Create a new source of substantial shadows, light, or glare which would adversely affect day or nighttime views in the area?

The subject development will not create a new source of substantial shadows, light, or glare which would affect day or nighttime views in the 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 residence measure at 32 feet tall, which is 3 feet below the permitted 35 feet height limit. The proposed residences also meet all residential setbacks despite although there are no setback requirements in the R-R zone. The large setbacks for the residences create a buffer from the property lines so that there will not be any shadows cast onto surrounding areas. The houses will be constructed of typical building materials that are not shiny so that glare will not impact the surroundings. They are not located on mountain tops, nor do they alter any existing land forms in a significant way. The houses will only be visible from the adjacent public right-of-ways closest to the residences.
2. AGRICULTURE / FOREST

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  

The proposed residences will not convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The subject properties are currently vacant and were previously used as a private club.

b) Conflict with existing zoning for agricultural use, with a designated Agricultural Opportunity Area, or with a Williamson Act contract?

The proposed residences don’t conflict with the existing zoning for agriculture use, with designated Agriculture Opportunity Area, or with the Williamson Act contract. The subject parcels are not located within an Agriculture Opportunity Area and don’t have a Williamson Act contract. The subject parcels are currently zoned Resort Recreation (R-R) and have not had any prior agricultural use on them.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220 (g)), timberland (as defined in Public Resources Code § 4526), or timberland zoned Timberland Production (as defined in Government Code § 51104(g))?  

The proposed residences are not in conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The subject parcels are not a forest land, timberland, or timberland zoned Timberland Production area. The proposed development is consistent with the zoning and land use designations for the property.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

The proposed residences are not in conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The subject parcels are not a forest land, timberland, or timberland zoned Timberland Production area. The proposed development is consistent with the zoning and land use designations for the property.
The proposed residences will not result in a loss of forest land or conversion of forest land to non-forest use. The subject properties are currently vacant and were previously used as a private club.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed residences don’t involve any changes in the existing environment which, due to their location, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. The applicant is proposing two single-family homes on two legal lots within an already developed area and there is no farmland onsite.
3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of applicable air quality plans of either the South Coast AQMD (SCAQMD) or the Antelope Valley AQMD (AVAQMD)?

The project is for two single-family homes on two legal lots, consisting of 3,134 cubic yards of grading (cut and fill combined). The size of the project is below the threshold for potential significance with SCAQMD since only two residences are proposed and the project will not conflict with or obstruct implementation of the applicable air quality plan. There is a potential for construction-related emissions and dust generation. The project shall be required to comply with SCAQMD requirements pertaining to emissions of pollutants from vehicles and equipment and suppression of dust during construction.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The project is for two single-family homes on two legal lots, consisting of 3,134 CY of grading (cut and fill combined), so it does not meet the criteria for regional significance of 500 units.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The project is for two single-family homes on two legal lots, consisting of 3,134 CY of grading (cut and fill combined). The project is not expected to increase any criteria pollutant that would result in non-attainment of any air quality standard. Any potential increase in air pollution would be very small and well below levels that are regionally significant. The project will be required to comply with all applicable regulations and requirements of SCAQMD.

d) Expose sensitive receptors to substantial pollutant concentrations?

The project is for two single-family homes on two legal lots, consisting of 3,134 cubic yards of grading (cut and fill
combined). The project doesn’t exceed the Local Significance Thresholds. Single-family residences don’t produce any pollutants that would violate federal or state level air quality standards. There are no sensitive receptors in the vicinity of the two proposed single-family homes.

c) Create objectionable odors affecting a substantial number of people?

The two single-family residences will not create any objectionable odors affecting a substantial number of people. The only odors coming from the single-family residence would be those generally associated with a single-family residence.
4. BIOLOGICAL RESOURCES

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?

The project site provides suitable habitat for Cooper's hawk and western pond turtle (aestivation and seasonal movement). The drainage course on the west side of the site is a tributary of Malibou Lake (Malibou Creek). Although the drainage course and the site have been much disturbed by previous upstream and downstream developments, natural sensitive habitat remains on the west adjacent to this drainage course. In order to preserve this natural drainage course, the single-family residences will be set back a minimum distance as shown and all drainage from the swimming pool area will be directed away from the drainage course with a 4" natural berm. The fuel modification area shall be modified to avoid any impacts to the drainage course area, thus preserving use of this habitat for native species. There is valley oak (Quercus lobata) with intermingled scrub and coast live oaks (Q. berberidifolia and Q. agrifolia, respectively). Large Coulter pines (Pinus contorta) and western sycamores (Platanus racemosa) are intermingled with non-native conifers (P. spp.). All the oak trees onsite have been documented and analyzed by a licensed arborist. A subsequent arborist report has been prepared and analyzed by the Forestry Division of the Los Angeles County Fire Department. All of the Forestry Division's recommendations for mitigation and conservation will be conditions of approval via the associated Oak Tree Permit. Forestry recommends the planting of two 15-gallon oak trees to replace the one oak tree being removed in order to construct the residences. All other oak trees onsite will have perimeter fencing erected around them during the construction phase of the project so that the construction activities do not encroach on them. The parcels have a central elevated area which has California ground squirrel colonies, and some coyote scat was found here. This area will not be graded and will remain natural other than the private sewage disposal system leach lines that will be placed below grade and restored to natural. The parcels are very large and the two residences are proposed to encompass 8.0% and 8.2%, allowing much of the parcels to remain in their natural state. Mitigation measures as specified below shall be incorporated to mitigate the potential impacts to less than significant.

b) Have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFG or USFWS?

The projects site supports remnant riparian and oak woodland, dominated by western sycamore and oak trees. The understory of this formation is disturbed and few natural habitat values remain apart from nesting and roosting substrate for birds and bats. Hence, disturbed on-site habitats are not considered a sensitive community. The drainage course on the west may qualify as state or federal jurisdiction; this issue is discussed below under (c). The site is not located within a Significant Ecological Area as identified by the
General Plan and is not within the Coastal Zone boundary, or associated Sensitive Resource Areas. All the oak trees onsite have been documented and analyzed by a licensed arborist. There will be one oak tree removal as a result of development. A subsequent arborist report has been prepared and analyzed by the Forestry Division of the Los Angeles County Fire Department. All of the Forestry Division’s recommendations for mitigation and conservation will be conditions of approval of the oak tree permit. Two 15-gallon trees will be re-planted and monitored by the Forestry Department as mitigation. All other oak trees onsite will have perimeter fencing so that the construction activities do not encroach on them.

c) Have a substantial adverse effect on federally or state protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, and drainages) or waters of the United States, as defined by § 404 of the federal Clean Water Act or California Fish & Game code § 1600, et seq. through direct removal, filling, hydrological interruption, or other means?

The subject properties contain potential federal and state jurisdictional wetlands or waters of the United States, as defined by Section 404 of the Federal Clean Water act of California Fish & Game code Section 1600, et seq; however, these areas are not proposed for development.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The two single-family residences on two single-family lots will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites. All natural stream courses are used for wildlife movement and connectivity, and with connection to a lake, the movement would be in both directions. There are signs that Coyotes have been on the property at the projects central raised area near the ground squirrel holes, so there is wildlife traffic back and forth to Malibu Creek State Park in the south. The area as well as the project site is all marked by CNDDB as an area where western pond turtles occur. In order to protect the natural drainage course on the subject properties, a berm will be constructed around the pool decking directing all drainage away from the drainage course. Any fencing around the perimeter of the property will have to allow for the free movement of animals through it. The parcels are very large and the two residences are proposed to encompass 8.0% and 8.2%, allowing much of the parcels to remain in their natural state. Active bird nests (i.e., “nursery sites”), are protected by the federal Migratory Bird Treaty Act and California Fish and Game Code. 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 three (3) 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) Convert oak woodlands (as defined by the state, oak woodlands are oak stands with greater than 10% canopy cover with oaks at least 5 inch in diameter measured at 4.5 feet above mean natural grade) or otherwise contain oak or other unique native trees (junipers, Joshuas, southern California black walnut, etc.)?

Although oak trees are present, these do not constitute an oak woodland, as they are not a dominant component of the vegetation, and the understory is highly disturbed. All the oak trees onsite have been documented and analyzed by a licensed arborist. A subsequent arborist report has been prepared and analyzed by the Los Angeles County Forestry Department. All of the Forestry Department's recommendations for mitigation and conservation will be conditions of approval via the associated Oak Tree Permit. The Oak Tree Permit approves the removal of one ordinance size tree that will be replaced by the planting of two 15-galon oak trees and monitored by the Forestry Department. All other oak trees onsite will have perimeter fencing so that the construction activities don't encroach on them.

f) Conflict with any local policies or ordinances protecting biological resources, including Wildflower Reserve Areas (L.A. County Code, Title 12, Ch. 12.36), the Los Angeles County Oak Tree Ordinance (L.A. County Code, Title 22, Ch. 22.56, Part 16), the Significant Ecological Areas (SEAs) (L.A. County Code, Title 22, § 22.56.215), and Sensitive Environmental Resource Areas (SERAs) (L.A. County Code, Title 22, Ch. 22.44, Part 6)?

The subject project is not in conflict with any local policies or ordinances. An Oak Tree Report has been prepared by a licensed arborist and reviewed by the Los Angeles County Forestry Division. Any mitigation or conservation recommendations will be conditions of approval via the associated Oak Tree Permit. The Oak Tree Permit approves the removal of one ordinance size tree that will be replaced by the planting of two 15-galon oak trees and monitored by the Forestry Department. All other oak trees onsite will have perimeter fencing so that the construction activities don't encroach on them.

g) Conflict with the provisions of an adopted state, regional, or local habitat conservation plan?

There are no adopted habitat conservation plans that include the project site. Southern California steelhead is resident in lower portions of the Malibu Creek watershed and thus receives drainage from the Malibu Lake area. Standard Stormwater Pollution Prevention Plan (SWPPP) measures, required as part of the construction permitting of the project, will reduce water quality impacts to a less than significant level.
Mitigation measures

MM-1 Prior to grading, diskng, grubbing, etc, a qualified biologist shall be retained by the applicant as the biological monitor subject to the approval of the County of Los Angeles. That person shall ensure that impacts to biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct pre-grading field surveys for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. During earthmoving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm’s way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading activities if violations of mitigation measures or any local, state, or federal laws are suspected.

MM-2 Work areas will be surveyed for special-status reptile species, including potential western pond turtle aestivation sites, prior to and during construction activities. Fencing that is impervious to reptile movement shall be erected around the work area prior to the surveys, and any special-status reptiles occurring within the work area prior to the start of work will be collected and relocated to areas outside of the designated work zones. If ongoing biological monitoring of construction activities reveals the presence of any special-status reptiles within an active work area, then work will be temporarily halted until the animals can be collected and relocated to areas outside of the designated work zones.

MM-3 If any western pond turtle burrow sites are discovered within the project development area during the implementation of MM-1, construction shall be delayed until the animals have emerged.

MM-4 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 project biologist acceptable to the Director of Planning surveys the project area prior to disturbance to confirm the absence of active nests or nesting habitat. Disturbance shall be defined as any activity that physically removes or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within 500 feet for raptors, or 300 feet for other birds shall be postponed until the nest is vacated, offspring have left the nest area and there is no evidence of further attempts at nesting. Limits of avoidance shall be demarcated with high-visibility flagging or fencing. The project proponent shall record the results of the 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.

MM-5 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.

MM-6 To avoid the direct loss of bats that could result from removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), the following steps would be taken:

1) To the extent feasible, tree removal or relocation would be scheduled between October 1 and February
28, outside of the maternity roosting season.

2) If tree must be removed during the maternity season (March 1 to September 30), a qualified bat specialist (i.e., a person holding a California Department of Fish and Game collection permit and a memorandum of understanding allowing the handling and collection of bats) would conduct a pre-construction survey to identify the tree proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.

3) Each tree identified as potentially supporting an active maternity roost would 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.

4) 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.

5) Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts must be left in place until the end of the maternity season.

6) A 250-foot buffer, in which no construction activities are permitted, would be established around any tree, rock outcrop, or other occupied roost habitat until the end of the maternity season (September 30).

7) The bat specialist should prepare a summary report upon completion of tree disturbance activities. Reports would include the following:
   
   A. the number and type of affected trees determined to support or potentially support roosting bats prior to disturbance;
   B. any actions undertaken to safely exclude roosting bats prior to disturbance and the results of those actions;
   C. trees temporarily avoided to protect roosting bats; and
   D. roosting bats found (alive or dead) after tree was removed.

MM-7 To reduce the long term loss of native habitat and the potential of invasive species establishment, a landscape plan shall be prepared for all graded areas outside of any mandated brush clearance zones and shall be submitted for review and approval by the County of Los Angeles Department of Regional Planning prior to the issuance of a grading permit. The landscape plan shall limit irrigation to within Fuel Modification Zone A and shall utilize only locally indigenous plant species and varieties.
5. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?

According to the Phase 1 Archaeological Study the proposed modifications to the project area will have no adverse impact on known cultural resources. Should unanticipated cultural resource remains be encountered during land modification activities, work must cease, and Department of Regional Planning contacted immediately to determine appropriate measures to mitigate adverse impact to the discovered resource.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

According to the Phase 1 Archaeological Study the proposed modifications to the project area will have no adverse impact on known cultural resources. Should unanticipated cultural resource remains be encountered during land modification activities, work must cease, and Department of Regional Planning contacted immediately to determine appropriate measures to mitigate adverse impact to the discovered resource.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources?

According to the Phase 1 Archaeological Study the proposed modifications to the project area will have no adverse impact on known cultural resources. Should unanticipated cultural resource remains be encountered during land modification activities, work must cease, and Department of Regional Planning contacted immediately to determine appropriate measures to mitigate adverse impact to the discovered resource.

d) Disturb any human remains, including those interred outside of formal cemeteries?

According to the Phase 1 Archaeological Study the proposed modifications to the project area will have no adverse impact on known cultural resources. Should unanticipated cultural resource remains be encountered during land modification activities, work must cease, and Department of Regional Planning contacted immediately to determine appropriate measures to mitigate adverse impact to the discovered resource.
6. ENERGY

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Would the project:

a) Conflict with Los Angeles County Green Building Ordinance (L.A. County Code Title 22, Ch. 22.52, Part 20 and Title 21, § 21.24.440) or Drought Tolerant Landscaping Ordinance (L.A. County Code, Title 21, § 21.24.430 and Title 22, Ch. 22.52, Part 21)?

The project will be designed to comply with Los Angeles County Green Building Standards. These standards include being 15% more energy efficient than the Title 24 2005 California Energy Efficiency Standards, recycling or reusing at least 50% of non-hazardous construction debris by weight, installing a smart irrigation controller and planting at least two 15-gallon trees and/or maintaining existing mature trees.

b) Involve the inefficient use of energy resources (see Appendix F of the CEQA Guidelines)?

Project is for two single-family homes on two legal lots that will meet all County and State code requirements for energy conservation. The project will comply with the Los Angeles County Green Building Ordinance.
7. GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace? Refer to Division of Mines and Geology Special Publication 42.

   There is not a known earthquake fault within the direct vicinity of the subject parcels according to The California Geological Survey. However, Southern California as a whole is a known earthquake area and the repercussions of an earthquake can be felt for many miles. Accordingly, the two residences will have to meet strict building code requirements that prevent a structure from being destroyed in the event of an earthquake.

   ii) Strong seismic ground shaking?

   There is not a known earthquake fault within the direct vicinity of the subject parcels according to The California Geological Survey. However, Southern California as a whole is a known earthquake area and the repercussions of an earthquake can be felt for many miles. Accordingly, the two residences will have to meet strict building code requirements that prevent a structure from being destroyed in the event of an earthquake.

   iii) Seismic-related ground failure, including liquefaction and lateral spreading?

   The project location is identified by The California Geological Survey to be a location that can potentially have liquefaction. Prior to building and grading permit issuance, the Department of Public Works, geology and soils section will review the project and address the concerns related to the liquefaction area.

   iv) Landslides?

   There are not any known slides in the vicinity of the proposed project according to The California Geological Survey. The subject property is not subject to Hillside Management and has slopes less than 25%.

b) Result in substantial soil erosion or the loss of topsoil?

   □ □ □ □
The project involves minimal grading for two single-family homes on two legal lots. The applicant is proposing 3,134 cubic yards of grading combined for both parcels. The Santa Monica Mountains allows for grading up to 5,000 cubic yards without an approved Conditional Use Permit. Public Works will require that the project be in compliance with its best management practices that are designed to limit substantial erosion and loss of topsoil via a grading and drainage plan.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The project location is identified by The California Geological Survey to be a location that can potentially have liquefaction. Prior to building and grading permit issuance the Department of Public Works, geology and soils section will review the project and address the concerns related to the liquefaction area.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Everything within the Santa Monica Mountains is considered expansive soil unless proved otherwise by soils report. Prior to building and grading permit issuance the Department of Public Works, geology and soils section will review the project and address any concerns related to expansive soil.

c) Have soils incapable of adequately supporting the use of onsite wastewater treatment systems where sewers are not available for the disposal of wastewater?

The Los Angeles County Department of Public Health Environmental Health Division shall evaluate the suitability of the soil for a septic system. No problems with waste water disposal have been identified at this time. The applicant has submitted percolation tests that indicate the onsite sewage disposal system meets the County standards. The project is required to get approval of septic feasibility and comply with all requirements of Public Health prior to issuance of a building permit.

f) Conflict with the Hillside Management Area Ordinance (L.A. County Code, Title 22, §22.56.215) or hillside design standards in the County General Plan Conservation and Open Space Element?

The project does not conflict with the Hillside Management Area Ordinance. There are no slopes over 25% on the subject properties.
8. GREENHOUSE GAS EMISSIONS

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<td>a) Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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The emissions created in relation to the project are not expected to be significant with regard to GHGs, climate change or other aspects of the environment. The project will comply with the Green Building requirements of the Zoning Code and the Building Code. The project will be required to be at least 15% more energy efficient than Title 24 2005 California Energy Efficiency Standards and all other applicable Green Building regulations.

b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The proposed residences are small in scale and will comply with the Los Angeles County Green Building program and all Title 24 energy efficiency standards.
9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials?

The project does not involve the use or storage of hazardous materials. It will be a single-family residence, and no hazardous substances are expected to be used or stored on the site except for normal household items.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment?

The project would not create conditions where there is a potential for the release of hazardous materials into the environment or that would pose a hazard to the public. No hazardous materials shall be used or stored on the property.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?

No hazardous materials, substances or waste will be handled and no hazardous emissions will be produced on the site. No hazardous materials shall be used or stored on the property.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The property is not on the list of hazardous waste and substances sites (Cortese list) maintained by the California Department of Toxic Substances Control.

e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
The property is not located within an airport land use plan or within two miles of any airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No private airstrips are located in the vicinity.

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The project would not impair implementation of an emergency response or evacuation plan or physically interfere with such a plan. It will need to obtain approval from the Fire Department to insure that it will comply with emergency response and evacuation plans and other fire safety requirements.

h) Expose people or structures to a significant risk of loss, injury or death involving fires, because the project is located:

i) within a Very High Fire Hazard Severity Zones (Zone 4)?

The property is in a Very High Fire Hazard Severity Zone. However, it shall be required to provide and maintain fuel modification zones to reduce fire danger and protect the residence. The project shall comply with all Los Angeles County fire code and ordinance requirements to reduce the risk to life and property from fire, including requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans. The applicant is proposing automatic fire sprinklers in the residence and sprinklers are required by the Fire Department. The Fire Department Land Development unit shall address all fire and life safety requirements before a building permit can be issued.

ii) within a high fire hazard area with inadequate access?

Access shall comply with Los Angeles County Fire Department requirements. The driveway slope shall not exceed 15%. The driveway shall be clear-to-the-sky and shall reach within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building. A minimum of ten feet of brush clearance is required on each side of the driveway.

iii) within an area with inadequate water and pressure to meet fire flow standards?

The required fire flow for the properties is 2,500 gallons per minute for two hours. The water mains in the street must be capable of delivering this flow at 20 pounds per square inch residual pressure. The Fire Department Land Development unit shall address all fire and life safety requirements before a building
permit can be issued

iv) within proximity to land uses that have the potential for dangerous fire hazard? □ □ ☒ □

No neighboring land uses are dangerous fire hazards. No refineries, flammables, explosives manufacturing or other dangerous fire hazards are located in the vicinity. The only other neighboring uses are single-family residences and vacant land. They are all in a Very High Fire Hazard Severity Zone, so the area is susceptible to fires, but the subject property and the neighboring uses are required to comply with Fire Department requirements for Very High Fire Hazard Severity Zones to minimize fire danger.
10. HYDROLOGY AND WATER QUALITY

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</tr>
</thead>
</table>

Would the project:

a) Violate any water quality standards or waste discharge requirements?  

The project will need to obtain approval from the Los Angeles County Department of Public Health Environmental Health Division for a septic system. All standards for waste water disposal for the septic system will need to be met prior to issuance of a building permit.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Project has public water supplied by the Las Virgenes Municipal Water District.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Grading and drainage plans shall be reviewed by DPW before building permit issuance to verify that substantial erosion or siltation on or off-site will be avoided. DPW shall verify that the development adheres to the approved grading and drainage plans and that any problems are avoided or mitigated. The project drainage is being designed to avoid any drainage towards the drainage course. Grading shall not begin during the rainy season, defined as October 15 of any year through April 15 of subsequent year.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Grading and drainage plans shall be reviewed by DPW before building permit issuance to verify that the project will not result in flooding on or off-site or a substantial increase in surface runoff. No development or alterations are proposed near the existing stream. The project must comply with Low Impact Development (LID) requirements regarding drainage.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater
drainage systems or provide substantial additional sources of polluted runoff?

The project is required to comply with LID standards and all applicable code requirements to insure that the proposed development will not result in excess runoff and will comply with LID standards.

f) Generate construction or post-construction runoff that would violate applicable stormwater NPDES permits or otherwise significantly affect surface water or groundwater quality?

The drainage plan must be approved by DPW before the project is developed to insure that the proposed development will not violate applicable NPDES requirements or otherwise significantly affect surface water or groundwater quality.

g) Conflict with the Los Angeles County Low Impact Development Ordinance (L.A. County Code, Title 12, Ch. 12.84 and Title 22, Ch. 22.52)?

The project is required to comply with LID requirements, which will be verified by DPW.

h) Result in point or nonpoint source pollutant discharges into State Water Resources Control Board-designated Areas of Special Biological Significance?

Stormwater runoff will not be directed toward the drainage course. The drainage of the site will be required to meet all applicable requirements based on the drainage plan that would need to be approved by DPW.

i) Use onsite wastewater treatment systems in areas with known geological limitations (e.g. high groundwater) or in close proximity to surface water (including, but not limited to, streams, lakes, and drainage course)?

There are no known septic tank limitations in the area of the project. It is not in an area designated for a moratorium on new septic systems. Environmental Health must review the septic system prior to issuance of building permits to verify that all requirements are met and any negative impacts are avoided.

j) Otherwise substantially degrade water quality?

The project will not substantially degrade water quality, and DPW and Environmental Health will verify that the project complies with all requirements to protect water quality. Runoff shall be directed away from the drainage course to protect the water quality, and the septic system will need to meet all Environmental Health standards to prevent degradation of the water quality.

k) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or within a floodway or floodplain?
The proposed residence is not within a FEMA 100 flood zone, flood hazard area, floodway or floodplain. A small portion of the westerly property is within a 500-year flood hazard area. The single-family residences will have to meet all DPW requirements for being located within the vicinity of this zone if required.

1) Place structures, which would impede or redirect flood flows, within a 100-year flood hazard area, floodway, or floodplain?

No structures are proposed within a flood hazard area, floodway or floodplain.

m) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The proposed residences are not within a 100 year floodplain area. They are also located above the existing Malibu Lake dam, so in the event of a failure the residences would not be effected by the flooding that would occur after dam failure.

n) Place structures in areas subject to inundation by seiche, tsunami, or mudflow?

The proposed residences are not subject to tsunami because they are above sea level and located approximately 5 miles from the ocean. They are also not subject to mudflow conditions because the properties do not have any significant slopes on the property or in the direct vicinity. Drainage and grading plans reviewed by DPW shall insure that the project is designed and built so that the risk to life and property from possible mud and debris flows is minimized and any appropriate modifications are incorporated into the design.
11. LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Physically divide an established community?</td>
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<td></td>
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<tr>
<td>The applicant is proposing single-family residences on two legal lots in an area comprised of single-family residences.</td>
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<tr>
<td>b) Be inconsistent with the applicable County plans for the subject property including, but not limited to, the General Plan, specific plans, local coastal plans, area plans, and community/neighborhood plans?</td>
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<td>The community plan designation for the subject properties is Rural Residential I. Rural Residential I allows for the development of single-family homes.</td>
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<tr>
<td>c) Be inconsistent with the County zoning ordinance as applicable to the subject property?</td>
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<td>Resort Recreation (R-R) allows for the development of single-family residences with an approved Conditional Use Permit. The Santa Monica Mountains North Area Plan allows for the development of single-family residences within the R-R zone where no more than one protest is received. Where more than one protest is received the application can be processed through the Conditional Use Permit process. Project meets all Single-Family zoning requirements.</td>
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<tr>
<td>d) Conflict with Hillside Management criteria, Significant Ecological Areas conformance criteria, or other applicable land use criteria?</td>
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<tr>
<td>The subject properties are not subject to the Hillside Management criteria and are not within a Significant Ecological Area.</td>
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12. MINERAL RESOURCES

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<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no known mineral resources on the project site and the project would not result in the loss or availability of any valuable mineral resources. It is not identified as a Mineral Resource Area on the Special Management Area map of the Los Angeles County General Plan.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The projects are not located in a Mineral Recovery Zone. Source: General Plan Special Management Areas map.
13. NOISE

Would the project result in:

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<th>Less Than Significant Impact</th>
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a) Exposure of persons to, or generation of, noise levels in excess of standards established in the County General Plan or noise ordinance (Los Angeles County Code, Title 12, Chapter 12.08), or applicable standards of other agencies?

Temporary construction related noise will occur during grading and construction. The developer must adhere to the standards in Los Angeles County Code Section 12.08.440 for construction noise. After completion of construction the exterior noise standards of Section 12.08.390 of Title 12 will be applicable. Noise is not expected to be any more than a normal single-family residence.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The project is for two single-family residences on two legal lots which are surrounded by single-family residences and vacant land.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from parking areas?

The project is for two single-family residences on two legal lots which are surrounded by single-family residences and vacant land.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems?

The project is for two single-family residences on two legal lots which are surrounded by single-family residences and vacant land.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

There is no airport in the area and it is not part of an airport land use plan.

f) For a project within the vicinity of a private airstrip,
would the project expose people residing or working in the project area to excessive noise levels?

There are no private airstrips nearby.
### 14. POPULATION AND HOUSING

<table>
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<th>Would the project:</th>
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<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
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<tr>
<td>Potential Significant Impact</td>
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The project would not create new roads or other infrastructure that would induce more growth. The new single-family home would not constitute a substantial increase in the housing supply or population.

<table>
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<th>b) Displace substantial numbers of existing housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?</th>
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The subject parcels are currently vacant so nobody will be displaced.

<table>
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<tr>
<th>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</th>
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</table>

The applicant is proposing two single-family homes on two legal lots.

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<th>d) Cumulatively exceed official regional or local population projections?</th>
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The applicant is proposing two single-family homes on two legal lots.
15. PUBLIC SERVICES

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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

a) Would the project create capacity or service level problems, or result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- **Fire protection?**
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant Impact with Mitigation Incorporated
  - [X] Less Than Significant Impact
  - [ ] No Impact
  
  The development of the proposed residences are not anticipated to have any significant effect on the level of fire protection in the area. Agoura Hills has a facilities fee in effect for the project area. The fee will mitigate any impact the project would have on Fire Department services. There is a fire station approximately 3 miles from the project location.

- **Sheriff protection?**
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant Impact with Mitigation Incorporated
  - [X] Less Than Significant Impact
  - [ ] No Impact
  
  The development of the residences are not anticipated to have any significant effect on the level of Sheriff protection in the area.

- **Schools?**
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant Impact with Mitigation Incorporated
  - [X] Less Than Significant Impact
  - [ ] No Impact
  
  The addition of two residences is not expected to have a significant effect on local school service capacity. School district fees are required before building permit issuance.

- **Parks?**
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant Impact with Mitigation Incorporated
  - [X] Less Than Significant Impact
  - [ ] No Impact
  
  The addition of two residence is not expected to have a significant effect on local parks capacity.

- **Libraries?**
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant Impact with Mitigation Incorporated
  - [X] Less Than Significant Impact
  - [ ] No Impact
  
  The addition of two residence is not expected to have a significant effect on local library capacity. A library fee may be assessed at the time of building permit application to insure that adequate library facilities will be available for the area.

- **Other public facilities?**
  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant Impact with Mitigation Incorporated
  - [X] Less Than Significant Impact
  - [ ] No Impact
  
  The proposed residences are not expected to have a significant effect on public facilities in the area.
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The project would not increase the use of neighborhood or regional parks significantly and would not result in substantial physical deterioration of parks or other recreational facilities. The new residences will only increase the local population by two families or households, and there are plentiful parks and recreational facilities currently serving the area.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No public recreation facilities are proposed. A private swimming pool and putting green are proposed next to the residences but it will not have a substantial adverse effect on the environment.

c) Is the project consistent with the Department of Parks and Recreation Strategic Asset Management Plan for 2020 (SAMP) and the County General Plan standards for the provision of parkland?

The project is consistent with General Plan and LCP standards regarding provision of parkland. The LCP and General Plan do not require the provision of new parkland for single-family residential projects involving two new residences.

d) Would the project interfere with regional open space connectivity?

The proposed single-family residences are surrounded by public road and single-family residences and will not interfere with regional open space connectivity.
17. TRANSPORTATION/TRAFFIC

Would the project:

a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Two single-family residences are proposed on two legal lots. Streets leading to the subject properties meet Los Angeles Fire Department and Public Works code requirements.

b) Conflict with an applicable congestion management program (CMP), including, but not limited to, level of service standards and travel demand measures, or other standards established by the CMP for designated roads or highways?

The project does not conflict with any applicable CMP.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Two single-family residences are proposed on two legal lots.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Two single-family residences are proposed on two legal lots. Streets are already improved and proposed residences don’t alter them in any way that would create a hazard.

e) Result in inadequate emergency access?

The project design meets Fire Department requirements for access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Two single-family residences are proposed on two legal lots and do not conflict with any plans, policies, or
programs regarding public transit, bicycle or pedestrian facilities.
18. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of either the Los Angeles or Lahontan Regional Water Quality Control Boards?

The project will have a private septic system that will be required to comply with all applicable requirements. Environmental Health must review the septic system prior to project completion to verify that all standards are met.

b) Create water or wastewater system capacity problems, or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No wastewater treatment facilities will be required for the project as the project is proposing a private septic system, which must comply with all applicable requirements. No capacity problems are anticipated.

c) Create drainage system capacity problems, or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

A drainage plan will need to be approved by DPW prior to beginning work on the project. All drainage improvements will be on-site and are not expected to cause significant environmental effects.

d) Have sufficient reliable water supplies available to serve the project demands from existing entitlements and resources, considering existing and projected water demands from other land uses?

The two residences will receive their water from the Las Virgenes Metropolitan Water District. There are no anticipated demands from the existing entitlements and resources.

e) Conflict with the Los Angeles County Low Impact Development Ordinance (L.A. County Code, Title 12, Ch. 12.84 and Title 22, Ch. 22.52) or Drought Tolerant Landscaping Ordinance (L.A. County Code, Title 21, § 21.24.430 and Title 22, Ch. 21, Part 21)?
The project will comply with the Low Impact Development (LID) ordinance. The project is required to comply with the Drought Tolerant Landscaping Ordinance requirements. At least 75% of the landscaping in front of the residence must be drought tolerant. Plants with similar watering needs shall be grouped together in hydrozones. A drought tolerant landscaping covenant has been recorded by the applicant, requiring the owner to maintain the property in compliance with the drought tolerant landscaping requirements.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

The solid waste disposal needs of the site are not anticipated to create capacity problems for area landfills because only two dwellings are proposed and there are no known capacity problems at area landfills. The property is required to comply with all applicable codes and requirements regarding solid waste disposal.

g) Create energy utility (electricity, natural gas, propane) system capacity problems, or result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Energy use on the site is not anticipated to create any capacity problems or create the need for expansion of existing facilities because only two dwellings are proposed and there are no known problems with energy system capacity in this area.
19. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project shall comply with all requirements and regulations to minimize effects on the environment. Project consists of two single-family homes on two legal lots within an already developed area. The project design and government regulations protect the sensitive environmental resources that could be potentially impacted by the development.

b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

The project shall comply with all the State and County regulations to protect both short and long-term environmental goals. The project involves the construction of two single-family homes on two legal lots. The construction of the residences meets all the regulations pertaining to such development. Incremental effects of the project are not significant and it does not create a cumulatively significant impact. The development of this project as proposed does not make it easier to develop other properties in the area. The driveway will only serve the subject property. The residences meet both the zoning code and general plan requirements, which have taken into account both the long and short-term goals pertaining to this type of development. There are no other current projects in the area and development of this project is not expected to lead to any significant new development.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Environmental effects of the project are less than significant and there will not be any adverse effects to human beings related to the project. It is a small-scale project that does not involve the use of any harmful substances, traffic-inducing uses, damage to water or air quality or other factors that contribute to substantial adverse effects on human beings as analyzed in this Initial Study under the respective topics.
<table>
<thead>
<tr>
<th>Impact Mitigation</th>
<th>Action Required</th>
<th>When Monitoring to Occur</th>
<th>Responsible Agency or Party</th>
<th>Monitoring Agency or Party</th>
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<tr>
<td><strong>Biota</strong></td>
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<td>Prior to grading, diskng, grubbing, etc, a qualified biologist shall be retained by the applicant as the biological monitor subject to the approval of the County of Los Angeles. That person shall ensure that impacts to biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct pre-grading field surveys for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. During earthmoving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm’s way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading activities if violations of mitigation measures or any local, state, or federal laws are suspected.</td>
<td>Qualified biologist shall be retained that will analyze the plant and animal species before and during grading activities.</td>
<td>Prior to any construction</td>
<td>Project Applicant</td>
<td>Los Angeles County Department of Regional Planning</td>
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<tr>
<td>Work areas will be surveyed for special-status reptile species, including potential western pond turtle aestivation sites, prior to and during construction activities. Fencing that is impervious to reptile movement shall be erected around the work area prior to the surveys, and any special-status reptiles occurring within the work area prior to the start of work will be collected and relocated to areas outside of the designated work zones. If ongoing biological monitoring of construction activities reveals the presence of any special-status reptile species within an active work area, then work will be temporarily halted until the animals can be collected and relocated to areas outside of the designated work zones.</td>
<td>Surveys shall be prepared prior to and during construction by an approved biologist that will monitor special-status reptile species.</td>
<td>Prior to and during construction</td>
<td>Project Applicant</td>
<td>Department of Regional Planning</td>
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<tr>
<td>If any western pond turtle burrow sites are discovered within the project development area during the implementation of MM-1, construction shall be delayed until the animals have emerged.</td>
<td>Construction delayed if western pond turtle burrow sites are discovered during MM-1.</td>
<td>Prior and during construction</td>
<td>Project Applicant</td>
<td>Department of Regional Planning</td>
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## MITIGATION MONITORING PROGRAM

**Project No:** R2010-01071/Case No(s): RENVT 201100019

<table>
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<tr>
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<th>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 project biologist acceptable to the Director of Planning surveys the project area prior to disturbance to confirm the absence of active nests or nesting habitat. Disturbance shall be defined as any activity that physically removes or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within 500 feet for raptors, or 300 feet for other birds shall be postponed until the nest is vacated, offspring have left the nest area and there is no evidence of further attempts at nesting. Limits of avoidance shall be demarcated with high-visibility flagging or fencing. The project proponent shall record the results of the 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.</th>
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<td>Conduct bird surveys if project activities occur during avian breeding season that could potentially disturb bird nesting habitat.</td>
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<td>Prior to construction</td>
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<td>Project Applicant</td>
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<td>Department of Regional Planning</td>
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<th>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.</th>
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<tr>
<td></td>
<td>Minimize night lighting</td>
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<td>During and after completion of construction</td>
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<td>Project Applicant</td>
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<td>Department of Regional Planning</td>
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|   | To avoid the direct loss of bats that could result from removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), the following steps would be taken:
1) To the extent feasible, tree removal or relocation would be scheduled between October 1 and February 28, outside of the maternity roosting season. |
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<tr>
<td></td>
<td>Bat surveys conducted by a qualified bat specialist</td>
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<td>Removal of oak tree between October 1 and February 28. If the tree cannot be removed within that time period a pre-construction survey of the tree being removed identifying whether bats are</td>
</tr>
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<td>Project applicant</td>
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<td>Department of Regional Planning</td>
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</table>
2) If tree must be removed during the maternity season (March 1 to September 30), a qualified bat specialist (i.e., a person holding a California Department of Fish and Game collection permit and a memorandum of understanding allowing the handling and collection of bats) would conduct a pre-construction survey to identify the tree proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.

3) Each tree identified as potentially supporting an active maternity roost would 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.

4) 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.

5) Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts must be left in place until the end of the maternity season.

6) A 250-foot buffer, in which no construction activities are permitted, would be established around any tree, rock outcrop, or other occupied roost habitat until the end of the maternity season (September 30).

7) The bat specialist should prepare a summary report upon completion of tree disturbance activities. Reports would include the following:
   A. the number and type of affected trees determined to support or potentially support roosting bats prior to disturbance;
   B. any actions undertaken to safely exclude roosting bats prior to disturbance and the results of those actions;
   C. trees temporarily avoided to protect roosting bats; and
   D. roosting bats found (alive or dead) after tree was present.
MITIGATION MONITORING PROGRAM

Project No: R2010-01071/Case No(s): RENV 201100019

| 7 | Removed. E. This report would be provided to the County within 30 days following completion of tree removal. To reduce the long-term loss of native habitat and the potential of invasive species establishment, a landscape plan shall be prepared for all graded areas outside of any mandated brush clearance zones and shall be submitted for review and approval by the County of Los Angeles Department of Regional Planning prior to the issuance of a grading permit. The landscape plan shall limit irrigation to within Fuel Modification Zone A and shall utilize only locally indigenous plant species and varieties. | Landscape plan approval | Prior to construction | Project Applicant | Department of Regional Planning |

Cultural Resources

| 1 | 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. If burial/human remains are found, the County Coroner must be contacted immediately. Subsequently, and in all other cases with approval from County Regional Planning, the applicant shall then select and retain a qualified archaeologist and a representative from the California Native Heritage Commission to assess the find, make recommendations, and to monitor until all grading is completed. | Notify applicable agencies (Coroner, Regional Planning, etc.) if human remains or artifacts are found | Monitoring to occur should any artifacts or remains be discovered. | Project Applicant | Department of Regional Planning |

Geotechnical

| 1 | Proposed structures shall be designed in conformance with the requirements of the effective editions of the UBC and the County of Los Angeles Building Code. Prior to issuance of building permits for any new structures, applicant shall submit a geotechnical report for review and approval to the County Department of Public Works, to the satisfaction of said department. | Conformance of UBC and LA County building code and submittal of geotechnical report to LACODPW prior to building permit issuance. | Prior to construction | Project Applicant | Los Angeles County Department of Public Works |

Water Quality

| Applicant shall comply with the NPDES (National Submittal and approval Prior to issuance of | Project Applicant | Los Angeles County |
MITIGATION MONITORING PROGRAM

Project No: R2010-01071/Case No(s): RENVT 201100019

<table>
<thead>
<tr>
<th>Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works.</th>
<th>of drainage concept and grading plan.</th>
<th>grading permits</th>
<th>Department of Public Works</th>
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<tbody>
<tr>
<td><strong>Mitigation Compliance</strong></td>
<td>Submittal and approval of annual Mitigation Compliance Report. Replenishment of Mitigation Monitoring account if necessary until such time as all mitigation measures have been implemented and completed.</td>
<td>Annually</td>
<td>Project Applicant</td>
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</tbody>
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Please sign and return the original document with wet ink signature to the attention of Jarod Nygren at: Department of Regional Planning, 26600 Agoura Road Suite 110, Calabasas, CA 91302

[ ] As the applicant, I agree to incorporate these changes/mitigation measures into the project, and understand that the approval in concept will be on the project as changed/mitigated.

<table>
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<tr>
<th>Applicant</th>
<th>Date</th>
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[ ] As the applicant, I do not agree to incorporate these changes/mitigation measures into the project, and understand that an approval in concept will not occur until an appropriate Mitigation Monitoring Program is agreed upon by the applicant and Regional Planning.

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[ ] 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.

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<th>Staff</th>
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