Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 19, 2014

Paula Login
26500 Agoura Rd., #326
Calabasas, CA 91302

REGARDING: **PROJECT NO. R2010-01797-(3)**
CONDITIONAL USE PERMIT NO. 201000169
791 Latigo Canyon Rd., Malibu, CA 90265
APN: 4464010012

The Regional Planning Commission, by its action of **February 19, 2014,** has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **March 5, 2014. Appeals must be delivered in person.**

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

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

For questions or additional information, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462, or by email at TSeawards@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MKK:TSS

CC.060412

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2010-01797-(3)
CONDITIONAL USE PERMIT NO. 201000169

1. **ENTITLEMENT REQUESTED.** The applicant is requesting a Conditional Use Permit (CUP) to authorize a single-family residence located in an antiquated subdivision on a parcel that is less than one-half acre and contains a slope of 25 percent grade or greater in the A-1-5 (Light Agricultural- 5 Acre Minimum Required Lot Area) Zone, pursuant to County Code Section 22.44.133F.1.c of the Santa Monica Mountains Community Standards District (CSD).

2. **HEARING DATE:** February 19, 2014

3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on February 19, 2014 before the Regional Planning Commission ("Commission"). Commissioners Valadez, Louie, Shell, Pedersen, and Modugno were present. The applicant's representative, Stacey Sherman presented testimony in favor of the request.

   Mr. Sherman stated that the applicant had no disagreements with the Conditions of Approval. He asked if the requested editorial changes to the Mitigation Monitoring Reporting Program were accepted, and staff verified that the edits have been changed and will be in the final documents.

   Commissioner Shell had one question for Public Works regarding Public Works' Condition 2.4 that required a right turn ingress and egress. Public Works stated that there is no need for this condition and agreed to have it removed.

   There being no further testimony, the Commission closed the public hearing and approved the project subject to the conditions as motioned and as recommended by staff and agreed to by the applicant's representative.

4. **PROJECT DESCRIPTION.** The applicant is requesting a Conditional Use Permit (CUP) to authorize the construction of a 2,793-square-foot single-family residence, and a 420-square-foot attached garage, located at 791 Latigo Canyon Road in the unincorporated Santa Monica Mountains. The undeveloped subject property is zoned A-1-5 and is located within an area designated as an antiquated subdivision area under the Santa Monica North Area Community Standards District (CSD). The project is also located in SEA Buffer 3B (Zuma Canyon Significant Ecological Area). The subject parcel is bisected by two community plans: Santa Monica Mountains North Area Plan and Malibu Local Coastal Plan. The single-family residential structure is located within the Santa Monica Mountains North Area Plan, and the appurtenant septic system and leach field are located in the Malibu Coastal Zone.

5. **LOCATION.** The subject property is located at 791 Latigo Canyon Road in the Malibu Zoned District.

6. **SITE PLAN DESCRIPTION.** The project proposes to build a multi-level, 2,793-square-foot single-family residence and an attached two-car garage on a 0.13 acre parcel off of Latigo Canyon Road in the unincorporated Santa Monica Mountains. The subject parcel has a northeast to southwest downward slope of 30% from Latigo Canyon Road to the rear property line. A 20-foot wide driveway off of Latigo Canyon Road leads to the 420-square-foot, two-car garage. The garage is at-grade with Latigo Canyon Road, and there are an additional three residential levels that are built below grade. The entire structure has a maximum height of 35 feet. Rural residential projects under the Hillside Management Ordinance are required to set aside 70 percent of the lot area as open space, and the building footprint for the project is 1,576 square feet, or 28 percent of the total lot area. The residence is proposed to be constructed on the front of the property, which is located in the Santa Monica Mountains North Area. Part of the side yard setbacks along the residence will be developed with a five-foot-wide stairwell that is required by the County Fire Department. The back yard is located in the Malibu Coastal Zone and stretches approximately 88 to 97-feet from the back of the house to the rear property line and is proposed to be landscaped with native plants plus the septic system.

7. **EXISTING ZONING.** The subject property is zoned A-1-5. Surrounding properties are zoned as follows: A-1-5 to the north, A-1-10 (Light Agricultural – 10 Acre Minimum Required Lot Area) to the south, and A-1-5 and A-1-10 to the east and west.

8. **EXISTING LAND USES.** The subject property is an undeveloped rural residential lot. In all directions, surrounding properties are vacant, rural residential lots or are developed with low density single-family residential development or are undeveloped rural land.

9. **PREVIOUS CASES/ZONING HISTORY.** There is no development history related to the subject parcel. The subject property is part of Tract 10544, which was established before current zoning regulations. The Santa Monica Mountains North Area CSD, which was adopted in 2002, designated the subject property an Antiquated Subdivision Area. Pursuant to Section 22.44.133.F.1.c of the CSD, a CUP is required to develop a single-family residence on any parcel that is designated an antiquated subdivision and is located on a parcel that is less than one-half acre and contains any slope more than 25 percent grade.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is designated N5 – Mountain Lands 5 by the Santa Monica Mountains North Area Plan. Areas with this designation are suitable for rural, low intensity or single-family residential development at a maximum density of one dwelling unit per five acres. The proposed project does not meet the intended density of this designation as the subject parcel is 0.13 acres. However, the parcel was legally created by a tract

map that predates the community plan. In 2002, the subject parcel was designated an Antiquated Subdivision Area by the Santa Monica Mountains CSD. A residential structure is allowed on the parcel and is consistent with the residential land use intent of this designation.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project is compliant with the yard and setback requirements for a single-family residence in an A-1 Zone. The Site Plan for the proposed project shows side yards that vary in depth but are at least five-feet deep, and a rear yard that is 88-97-feet deep. The front yard setback is 10-feet. Pursuant to Section 22.48.080, the 20-foot front yard setback can be modified by 50 percent of the required depth to 10-feet deep on a parcel where a slope exists of 20 percent or more as measured 50 feet from the highway line. The subject parcel has an existing slope of 30 percent within 50 feet of the highway line and therefore a 10-foot front yard setback is allowed.

12. The project is compliant with the parking requirements for a single-family residence in an A-1 Zone. Pursuant to Section 22.52.1180, two covered parking spaces are required for each single-family residence. The project proposes a 420-square-foot, two-car attached garage.

13. The project is compliant with the height requirement for a single-family residence in an A-1 Zone. Pursuant to Section 22.20.110, a residence shall not exceed a height of 35 feet above grade, excluding chimneys or rooftop antennas. As depicted on the elevation drawings that were submitted with the project site plan, at no point does the single-family residence exceed 35 feet above grade.

14. The project is compliant with the requirements of the Santa Monica Mountains North Area CSD. The project site is located in Tract 10544 (Upper Latigo Small Lot Subdivision), designated as an Antiquated Subdivision Area in the CSD. Antiquated Subdivision Areas are small-lot subdivisions that were established in the 1920s before the application of the Subdivision Map Act and generally consist of smaller-sized parcels (usually under 5,000 square feet) than are required under current zoning standards. Pursuant to County Code Section 22.44.133.F.1.c of the CSD, a CUP is required to develop a single-family residence on any parcel that is designated an antiquated subdivision and is located on a parcel that is less than one-half acre and contains any slope of 25 percent grade or greater. The CSD requires a CUP for single-family residences in antiquated subdivisions to allow a review of environmental constraints (i.e. geotechnical hazards, inadequate access, soil percolation), as well as to allow a review of projects for compatibility with surrounding land uses. A geotechnical and soil review was completed for the project. The review states that the subject property is geologically stable and is not subject to soil erosion. The project was also reviewed by the staff biologist and the Significant Ecological Areas Technical Advisory Committee (SEATAC) for compatibility with the SEA resources on and near the project site.

15. The project is compliant with the requirements of the Malibu Land Use Plan. The subject property is bisected by the Coastal Zone boundary and is therefore also

subject to the provisions of the Malibu Land Use Plan. Pursuant to Section 22.44.133.D.1 of the Santa Monica Mountains North Area CSD, when a parcel is divided by the coastal zone boundary, the use of that portion of a parcel within the coastal zone shall be consistent with the Malibu Land Use Plan, and the use of that portion outside of the coastal zone shall be consistent with the Santa Monica Mountains North Area Plan and CSD. The single-family residence is proposed to be constructed only on the part of the parcel that is covered by the Santa Monica Mountains North Area Plan and Santa Monica Mountains North Area CSD. The portions of the project that are located in the Coastal Zone are an on-site septic system and landscaping amenities. Therefore, there are no development standards from the Land Use PLan that apply to this project. However, the project will have to get final approval from the Coastal Commission for the portions of the project that are within the coastal zone boundary.

16. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project is compatible with the existing development in the area. The subject property is zoned for single-family residential development and the proposed project is similar to the rural, low-density single-family residential development in the area. The project proposes a single-family residential design that will be built to California Green Building Standards Code (CALGreen), which will mitigate impacts related to hazardous construction materials, dust, glare and noise. The subject property was reviewed by a geotechnical and soil consultant and was deemed safe for construction. The design of the project fits into the hillside and conforms to the natural topography and proposes minimal grading. The project will also implement Low Impact development (LID) standards for drainage and runoff/erosion control, and will have an onsite septic system with access from Latigo Canyon Road acceptable to the Department of Public Health.

17. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The project was sent out for consultation to the County Departments of Parks and Recreation, Public Health, Public Works, and to the County Fire Department. The Fire Department requires that since the project is located in a Very High Fire Hazard Severity Zone, an automatic sprinkler system must be installed in the residence. The Department of Public health requires that prior to the installation of the Onsite Wastewater Treatment System (OWTS), and before any issuance of building permits for the proposed residence, the applicant shall secure final approval from Public Health's Land Use Program. The Department of Public Works requires conditions for grading, for slope and drainage easements along Latigo Canyon Road, and construction of the access bridge from the road right-of-way (ROW) to the garage. An encroachment covenant for the proposed stairway and any other improvements encroaching within the public ROW and an agreement to improve the street prior to issuance of building permits are also required. These requirements, along with specific geotechnical, engineering, and drainage requirements, are included as conditions of approval for this project.

18. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff has not received any comments from other public agencies at this time.

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

20. **PUBLIC COMMENTS.** Staff has received 4 emails and one letter in support of the project.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

21. The subject property is designated N5 – Mountain Lands 5 by the Santa Monica Mountains North Area Plan. Areas with this designation are suitable for rural, low intensity or single-family residential development at a maximum density of one dwelling unit per five acres. The subject parcel is designated an Antiquated Subdivision Area by the Santa Monica Mountains CSD. The subject parcel is a legally established residential lot and a residential structure is allowed on the parcel. The residential use of the parcel is consistent with the adopted general plan for the area.

22. The subject property is zoned for single-family residential development and the proposed project is similar to the rural, low-density single-family residential development in the area. The project proposes a single-family residence design that will be built to CALGreen standards, which will mitigate impacts related to hazardous construction materials, dust, glare and noise. The subject property was reviewed by a geotechnical and soil consultant and was deemed safe for construction. The design of the project fits into the hillside and conforms to the natural topography and proposes minimal grading. The project will also implement Low Impact development (LID) standards for drainage and runoff/erosion control, and will have an onsite septic system with access from Latigo Canyon Road acceptable to the Department of Public Health. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

23. The proposed project meets the development standards for a single-family residence in the A-1 Zone, as well as all applicable requirements from the Santa Monica Mountains CSD, Malibu Land Use Plan, and the SEA/Hillside Ordinance. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

24. The project site is accessed from Latigo Canyon Road. The single-family residence is not expected to generate new traffic in the area and can be served by the

existing street network, and will contain a covered garage for parking. The project is also not expected to negatively impact local public services. The residence proposes to build its own septic system, has a will-serve letter from the Las Virgenes Municipal Water District, and is required to pay a school fee and a library fee to offset impacts to those services. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

25. The project was reviewed by the Staff Biologist and was heard by SEATAC on March 4, 2013. The Initial Study that was completed for this project concluded that there are certain potential environmental impacts associated with the project that can be reduced to less than significant with the implementation of the proposed mitigation measures. The Mitigation Monitoring Program is included as an attachment to the Conditions of Approval for this project. With the implementation of the mitigation measures, the requested development is compatible with the biotic resources, including the setting aside of appropriate and sufficient undisturbed areas as open space.

26. The project site does not contain any water bodies or water courses. Therefore the requested development does not have any impact on the maintenance of water bodies, watercourses, and their tributaries in their natural state.

27. The project was reviewed by the Staff Biologist and was heard by SEATAC on March 4, 2013. SEATAC provided specific mitigation measures that deal with nesting birds and other protected species and also required that any fencing be of a split rail type as to allow the free migration of wildlife. Therefore the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

28. The project is required to maintain at least 70 percent of the project site as open space. The back yard setback is 88-97 feet deep and is undeveloped except for native landscaping and a septic system. Therefore, the requested development retains sufficient natural vegetative cover and/or open spaces to buffer natural resource areas from said requested development.

29. Per the requirements of SEATAC and the staff biologist, any fencing or walls on the project site are required to be of a split rail type to allow for the open movement of wildlife. The parcel to the south of the project site is also developed; therefore, there is no need to buffer important habitat areas from development with fences or walls.

30. The project site is located on an existing road, Latigo Canyon Road. The Department of Public Works is requiring specific development features of the driveway and curbs around the residence, but the project does not require Latigo Canyon Road to be expanded or widened. Therefore the roads and utilities serving

the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

31. The single-family residence is located in a Hillside Management Area, a Very High Fire Hazard Area, and a landslide area. The subject property received a geotechnical and soil review. The review states that the subject property is geologically stable and is not subject to soil erosion. The Los Angeles County Fire Department is requiring standard sprinkler systems and fuel modification standards for the project site. The Fire Department is also requiring a five-foot wide access path and stairwells around the perimeter of the residence to mitigate impacts from fire hazards. In addition, projects in the County are required to have adequate fire flow and water pressure, or upgrade of the system to meet the required standards of the Fire Department. Therefore the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard.

32. The project was reviewed by the Staff Biologist and was heard by SEATAC on March 4, 2013. SEATAC's comments were incorporated into the Initial Study that was completed for this project, which concluded that there are certain environmental impacts associated with the project that can be reduced to less than significant with the implementation of the proposed mitigation measures. The Mitigation Monitoring Program is included as an attachment to the Conditions of Approval for this project. Therefore the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area.

33. The project site is zoned for single-family residential uses and is of adequate size to meet all single-family residence development requirements. The single-family residence is not expected to generate new traffic in the area and can be served by the existing street network, and will contain a covered garage for parking. The project is also not expected to negatively impact local public services. The residence proposes to build its own septic system, has a will-serve letter from the Las Virgenes Municipal Water District, and is required to pay a school fee and a library fee to offset impacts to those services. Therefore the proposed project is conveniently served by neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan.

34. The project proposes a single-family residence design that will be built to CALGreen standards, which will mitigate impacts related to hazardous construction materials, dust, glare and noise. The subject property was reviewed by a geotechnical and soil consultant and was deemed safe for construction. The design of the project fits into the hillside and conforms to the natural topography and does not alter it with major grading. Therefore the proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents.

ENVIRONMENTAL DETERMINATION

35. The Initial Study concluded that there are certain potential environmental impacts associated with the project that can be reduced to less than significant with the implementation of the proposed mitigation measures. The areas of environmental impact found to be less than significant with project mitigation incorporated include the following:

    - Aesthetics: The project site is located on a ridge on a parcel that is currently vacant. The project will mitigate aesthetic impacts by utilizing natural materials, landscaping, and natural earth-tone colors on the residence.
    - Biological Resources: The project was heard at SEATAC, which recommended mitigation measures to biological resources including requiring a biological monitor to ensure impacts to resources, such as nesting birds or the woodrat are insignificant.
    - Hydrology/Water Quality: The project proposes an on-site septic system. The Department of Public Health requires that prior to construction and installation of the septic system, the applicant shall complete a feasibility report in accordance with the requirements specified in the document titled, "The Professional Guide to Requirements and Procedures for the OWTS" to include the present and 100% future expansion dispersal systems to mitigate any potential impacts to water quality in the area.

    Therefore, the project qualifies as a Mitigated Negative Declaration and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment with the implementation of the Mitigation Monitoring Program.

36. The Mitigated Negative Declaration for the project was submitted to the State Clearinghouse and distributed for review by public agencies from December 23, 2013 through January 24, 2014. No comments were received.

37. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning 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 REGIONAL PLANNING COMMISSION CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

A. That the proposed use will be consistent with the adopted general plan for the area; and

B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

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

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission, having considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Regional Planning Commission that there is no substantial evidence that the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Regional Planning Commission, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000169 is APPROVED subject to the attached conditions.

ACTION DATE: February 19, 2014

VOTE: Concurring:Dissenting:Abstaining:Absent, e.g. 5:0:0:0

Concurring: Valadez, Louie, Shell, Pedersen, Modugno

MKK:TSS
1/8/14

c: Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2010-01797-(3)
CONDITIONAL USE PERMIT NO. 201000169

PROJECT DESCRIPTION

The project is a request to construct a single-family residence in an antiquated subdivision in the Santa Monica Mountains CSD in the A-1-5 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. 9, 10, and 13. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8, and 10 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 up to $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 five (5) years from the date of final approval of the grant. 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. 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 **$400.00**. 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 **two (2)** inspections. Inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any 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.

10. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **$2,256.25** ($2,181.25 for a Mitigated Negative Declaration plus $75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

11. 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.

12. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant, attaching the Mitigation Monitoring Program ("MMP"), agreeing to comply with the mitigation measures imposed by the Mitigated Negative Declaration 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 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.

13. 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.

14. 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, may 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.

15. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.

16. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

17. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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 of Regional Planning ("Director").

18. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

19. 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.

20. 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, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

21. 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.

PROJECT SITE SPECIFIC CONDITIONS

22. This grant shall authorize the construction of a single-family residence.

23. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated October 4, 2013, to the satisfaction of said Department.

24. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 25, 2013, to the satisfaction of said Department.

25. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated September 27, 2013, to the satisfaction of said Department.

Attachments:
Mitigation Monitoring Reporting Program
Fire Department Letter dated October 4, 2013
Public Works Department Letter dated November 25, 2013
Public Health Department Letter dated September 27, 2013

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

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

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

November 25, 2013

IN REPLY PLEASE
REFER TO FILE: LD-2

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

Attention Travis Seaward

FROM: Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201000169
PROJECT NO. R2010-01797
791 LATIGO CANYON ROAD
ASSESSOR'S MAP BOOK NO. 4464, PAGE 10, PARCEL NO. 12
UNINCORPORATED COUNTY AREA OF AGOURA

☒ Public Works recommends approval of this CUP.

☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the revised site plan for the construction of a 3,692-square-foot, 4-story, single-family residence that includes an upper level (206 square feet), a mid-level (881 square-feet), a lower level (916 square-feet), a bottom level (790 square-feet), a two car garage (420 square feet), and a mid-level roof deck (479 square feet).

The previous plot plan, which was cleared by Public Works on November 9, 2011, depicted a proposed 3-story, 2,971 single-family residence that included an upper level (206 square feet), a mid-level (881 square-feet), a mid-level deck (548 square-feet), a lower level (916 square-feet), and a two car garage (420 square feet). It is our understanding that a public hearing for this 3-story proposed design was never held since the applicant began to pursue a redesign.

The proposed improvements within the road right of way have not changed from the previous site plan.

This letter supersedes our November 9, 2011, letter (see attached) recommending approval of the CUP and reflects revised drainage requirements to include the recent

adopted Low-Impact Development Ordinance and the water quality requirement for the current Municipal Separate Storm Sewer System (MS4) permit. In addition, we have added a condition to submit plans to Public Works' Building and Safety Division, Calabasas District office.

Upon approval of the site plan and scheduling the public hearing, we recommend the following conditions:

1. Grading

   1.1 Submit a grading plan to Public Works' Land Development Division for approval prior to issuance of a building permit. The grading plan must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, the water quality plan (MS4) and Low-Impact Development devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

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

2. Road

   2.1 Dedicate a slope and drainage easements along Latigo Canyon Road to the satisfaction of Public Works. A grading exhibit will be required to determine the actual extent of the slope easements.

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

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

   2.4 The proposed driveway will be restricted to right-turn ingress and egress only.

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

2.6 Execute an encroachment covenant for the proposed stairways and any other private improvements that has been allowed to temporarily encroach within public right of way to the satisfaction of Public Works.

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

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

3. Geotechnical Engineering

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

For questions regarding the geotechnical condition, please contact Jeremy Wan of Public Works' Geotechnical and Materials Engineering Division at (626) 458-4925 or jwan@dpw.lacounty.gov.

4. Drainage

4.1 Per Los Angeles County Code Section 12.84, comply with the adopted LID ordinance, which can be found at http://dpw.lacounty.gov/ldd/lib/pdf/Revised%20LID%20Ordinance%20091813.PDF.

4.2 A covenant or agreement shall be recorded in the office of the County of Los Angeles Registrar-Recorder/County Clerk indicating that the owner of the proposed development is aware and agrees to the requirements of County Code Section 12.84.460, Subsection B.

4.3 Prior to issuance of building permits, plans must be approved to provide for the following.

4.3.1 Proper distribution of on-site drainage including contributory drainage from adjoining properties.

4.3.2 Eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action.

4.3.3 Comply with National Pollutant Discharge Elimination System, and the current MS4 permits, which can be found at http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.shtml.

For questions regarding the drainage conditions, please contact Toan Duong of Land Development Division at (626) 458-4921 or tduong@dpw.lacounty.gov.

5. Building and Safety

5.1 Submit plans to Building and Safety Division's, Calabasas District office for review and permit issuance.

For questions regarding the building and safety condition, please contact Clint Lee of Building and Safety Division at (626) 458-3154 or cllee@dpw.lacounty.gov.

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

RC:tb
P/ldpub/SUBPCHECK/PROJECT R2010-01797 CUP 201000169 791 LATIGO CYN APN4464-010-012 SINGLE FAMILY RESIDENCE REVISE FINAL

Attach.

REVISED CONDITIONS
Supersedes Fi.. Dept. Conditions Dated 07/13/11

COUNTY OF LOS ANGELES FIRE DEPARTMENT

Fire Prevention Division – Land Development Unit
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243, Fax (323) 890-9783

DATE: October 4, 2013 **SITE PLAN DATE:** 07/08/13

TO: Department of Regional Planning
Zoning Permits - Travis Seawards

PROJECT #: R2010-01797

LOCATION: 791 Latigo Canyon, Malibu

☐ 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 psi residual pressure. Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ Verify 6" X 4" X 2 1/2" existing 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). **Received approval notice from our Fuel Modification Plan Unit, compliance required with specific requirement addressed in their March 15, 2011 approval letter.**

☒ **Water:** Per fire flow test performed by Las Virgenes Municipal Water District dated 03-03-11, the existing water system is adequate.

☒ **Access:** Access is adequate as depicted on the Site Plan filed in our office.

☒ **Special Requirements:** AN AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN EVERY OCCUPANCY LOCATED IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE AND IN THE MALIBU-SANTA MONICA MOUNTAINS AREA. (LACFC 903.1.1.2)

☒ **Comments:** The Fire Department has cleared this project to proceed with the Public Hearing process.

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: *Wally Collins*

COUNTY OF LOS ANGELES
Public Health

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

CYNTHIA A. HARDING, M.P.H.
Acting Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

JACQUELINE TAYLOR, REHS
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS
Chief EHS, Land Use Program

MICHELLE TSIEBOS, REHS
Environmental Health Specialist IV
Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5382 • FAX (626) 813-3016

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September 27, 2013

TO: Travis Seaward
Regional Planning Assistant II
Department of Regional Planning

FROM: Michelle Tsiebos, REHS (M.T)
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2010-01797/ RCUP 201000169
Location: 791 Latigo Road, Malibu

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

The Department of Public Health – Environmental Health Division has reviewed the information provided for the above-referenced project. The CUP is to authorize the development of a 2,971 sq. ft. single-family residence located in the Santa Monica Mountains North Area CSD – Antiquated Subdivision Area.

The Department recommends approval of this project subject to the following conditions:

Land Use Program

The Land Use Program has reviewed the information submitted by the applicant to determine the feasibility for the installation of an onsite wastewater treatment system (OWTS) for the proposed dwelling. Based on the information provided, the Land Use Program has no objection to the approval of the CUP. The conceptual approval dated February 28, 2011 is intended for the CUP review process only that encompasses the requirements applicable to OWTS, and it does not authorize any land development until the following conditions have been satisfactorily fulfilled:

Prior to installation of any OWTS and issuance of any building permits, the applicant shall secure a final approval from the Department's Land Use Program. The applicant is advised to contact the

Calabasas District Office at (818) 880-3409 for any questions or assistance with securing final approval.

Notes:

1. If a public sewer connection is available within 200 feet of any part of the proposed building or exterior drainage, all future drainage and piping shall be connected to such public sewer.

2. The design and installation of OWTS shall conform to the requirements of Public Health and all other applicable regulatory agencies. If due to the proposed development, grading, geological limitations, required setbacks and flood or surface/ground water related concerns or for any other reasons, conformance with all applicable requirements cannot be achieved, the Department will not recommend issuance of any building permits.

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

Drinking Water Program

Prior to Public Hearing, the applicant shall provide a current "Will Serve Letter" from the proposed water purveyor, Las Virgenes Municipal Water District.

If you have any question, please feel free to contact me at (626) 430-5382 or mtsiebos@ph.lacounty.gov

#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
1.1	Aesthetics	Natural, earth-tone colors that blend with the natural landscape, materials that are fire-retardant. Vegetation must also comply with approved Fuel Modification Plan approved by Forestry Division.	Pre-approval needed on residence color, construction materials, and landscaping plan to be reviewed and approved by staff biologist and Forestry.	Prior to construction	DRP and Fire	DRP
4.1	Biological Resources	federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3513. Project related activities likely to have the potential of disturbing suitable bird nesting habitat shall therefore be prohibited from February 1 through August 31, unless a biological monitor from the approved list of consultants certified to prepare SEATAC biological reports 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 weekly on the subject property within 500	Construction activities prohibited February 1 through August 31 unless a Biological Monitor is hired	February 1 - August 31	DRP	DRP
4.2	Biological Resources	Pursuant to Measure 4.1, prior to issuance of a building permit, a qualified biologist shall be retained by the applicant as the biological monitor from the approved list of consultants certified to prepare SEATAC biological reports. The biological monitor shall ensure that impacts to sensitive biological resources 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. Before the earthmoving activities can commence, the biological monitor shall be present to relocate any special-status vertebrate appearing on the Special Animals List (California Department of Fish & Game, 2011) that the biological monitor has identified in his pre-grading survey to an appropriate off-site 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	Hiring of Biological Monitor	Pre issuance of Building Permit	DRP	DRP

4.3	Biological Resources	Prior to the issuance of a building permit, a landscaping plan shall be submitted to the Department of Regional Planning for review and approval. All landscaping shall utilize only locally-indigenous species or varieties sourced from material originating within the same ecoregion as the project.	Approval of landscaping plan by staff Biologist	Prior to issuance of building permit and final fuel mod plan approved by Fire	DRP	DRP
4.4	Biological Resources	Security fencing immediately adjacent to the residential structure is permissible; however, any perimeter fencing (i.e., extending to the property boundaries) must be of an open design, such as split rail, that allows for wildlife movement across the property.	Any fencing must be of open design	Pre-approval and post construction of residence.	DRP	DRP
4.5	Biological Resources	Woodrat (San Diego Desert woodrat (Neotoma lepida intermedia)) nests encountered within the disturbance footprint shall be demolished by hand, and woodrats shall be allowed to passively escape prior to commencement of construction activity within the occupied areas.	Appropriate handling of any woodrat nests	During construction	DRP	DRP
10.1	Hydrology & Water Quality	Prior to the construction of the proposed buildings and installation of the OWTS, the applicant shall complete a feasibility report in accordance with the requirements specified in the document titles, "The Professional Guide to Requirements and Procedures for the OWTS" to include the present and 100% future expansion dispersal systems and shall submit to the Program for review and final approval.	The applicant shall submit a feasibility report as specified in the Dept. of Public Health-Land Use program report dated January 11, 2013	Prior to construction	Applicant	DPH-Land Use Program
19	Mitigation Compliance	As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting compliance report to the Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such as all mitigation measures have been implemented and completed.	Submittal and approval of compliance report and replenishing mitigation monitoring account	Yearly and as required until all measures are completed.	Applicant and subsequent owner(s)	DRP