Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 22, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECTS NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258
ASSOCIATED WITH CASES NO. RPP 201200970 TO 201200974 AND RPP 201301334 TO 201301344
APPLICANT: VINTAGE PACIFIC AT MONTE NIDO, LLC
THE MALIBU ZONED DISTRICT
(THIRD SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

Pursuant to Los Angeles County (County) Code Section 22.60.210, the Monte Nido Valley Community Association (MNVCA or Project Opponent) appealed to the Regional Planning Commission (Commission) on October 8, 2014, the adoption of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) approved by the Director of the Department of Regional Planning (Director) on September 24, 2014. The MND and MMRP evaluated the environmental impacts of the development of up to 16 single-family residences within Tract No. 38931 (the Monte Nido Tract).

The Commission, by its action of April 8, 2015, upheld the appeal and invalidated the adoption of the above-referenced MND and MMRP. The applicant, Vintage Pacific at Monte Nido, LLC (Vintage or Developer), subsequently filed an appeal of the Commission's decision on April 22, 2015, with the Board of Supervisors (Board). The appeal will be heard by the Board on September 22, 2015.

IT IS RECOMMENDED THAT THE BOARD, AFTER THE PUBLIC HEARING:

1. Deny the appeal and instruct County Counsel to prepare the necessary findings to affirm the Commission's decision to invalidate the adoption of the MND and MMRP.

2. Direct staff of the Department of Regional Planning (Department) to advise the Developer that if it wants to proceed with the development in the Monte Nido Tract that a new environmental assessment is required, and that Coastal Development Permit (CDP) applications for the proposed residential development of the Monte Nido Tract in compliance with the recently adopted Santa Monica Mountains Local Coastal Program (LCP) should be submitted.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed project is located along the 25700 block of Piuma Road within the unincorporated community of Monte Nido in The Malibu Zoned District within the Santa Monica Mountains Coastal Zone. The Assessor Parcel Numbers for the lots are 4456-038-001, -002, -003, -004, -006, -007, -013, -014, -015, -016, -017, -018, -019, -020, -021, and -022.

The entire project area was previously zoned A-1-1 (Light Agricultural – one acre minimum required lot area) at the time that the Director adopted the MND and MMRP. Following certification by the California Coastal Commission (Coastal Commission) of the Santa Monica Mountains LCP on October 10, 2014, the project area is now zoned as follows:

- R-C-1 (Rural Coastal - one acre minimum required lot area) on Monte Nido Tract Lots 1 through 7 north of Piuma Road;
- R-C-20 (Rural Coastal - 20 acre minimum required lot area) on Monte Nido Tract Lots 8 through 9 and 13 through 22 south of Piuma Road; and
- R-C-40 (Rural Coastal - 40 acre minimum required lot area) on Monte Nido Tract Lots 10 through 12 south of Piuma Road.

The MND and MMRP assessed the environmental impacts of the development of up to 16 single-family residences on 16 separate lots and the dedication of an additional five lots to a public park agency in accordance with a settlement agreement executed between the County and Developer on March 12, 2013. The 16 lots proposed for residential development are currently vacant but have been graded pursuant to CDP 5-83-4 issued by the Coastal Commission in 1983. Additional grading is necessary to complete the proposed development on each of the 16 residential lots.

Thirteen of the 16 single-family residences were approved "in concept" by the Director concurrently with adoption of the MND and MMRP on September 24, 2014, under the then-existing zoning and prior local coastal plan. At that time, the Coastal Commission was the responsible entity for issuing final CDPs; an approval-in-concept from the County was a prerequisite to any such CDP. Two of the 16 single-family residences

were not approved "in concept" because they exceeded the 35 foot height limit for the A-1-1 Zone, and one of the 16 single-family residences was not approved due to a hold placed by County Public Health for conflicts with Plumbing Code requirements. At that time, Oak Tree Permit 201400023 was also approved "in concept" by the Director for encroachment of a single oak tree to accommodate access to Monte Nido Tract Lots 21 and 22. Project Opponent MNVCA appealed the adoption of the MND and MMRP on October 8, 2014.

After October 10, 2014, the effective date of the new LCP, the County became the responsible entity for issuing most CDPs within the Santa Monica Mountains Coastal Zone, rather than the Coastal Commission. Pursuant to Section 22.44.910.E of the County Code, a part of the new LCP's local implementation plan, any proposed development within the Santa Monica Mountains Coastal Zone that was approved "in concept" by the Director prior to the effective date of the Santa Monica Mountains LCP must be resubmitted to the County unless a complete application had been filed with the Coastal Commission. In addition, this Section states that the resubmitted application must be reviewed for compliance with the new Santa Monica Mountains LCP. Complete applications for the 13 single-family residences approved "in concept" by the Director on September 24, 2014, were not filed with the Coastal Commission prior to the effective date of the Santa Monica Mountains LCP. Therefore, new CDP applications for the 13 single-family residences must be filed with the County and must be reviewed for compliance with the Santa Monica Mountains LCP.

The Commission considered the appeal of the MND and MMRP on April 8, 2015. The Commission determined that the MND reflected assumptions for development in the Santa Monica Mountains Coastal Zone based on the prior 1986 Malibu Land Use Plan, and that therefore a new environmental document is necessary to analyze a redesign of the 13 single-family residences in compliance with the recently adopted Santa Monica Mountains LCP. Based on this finding, the Commission upheld MNVCA's appeal and invalidated the Director's adoption of the MND and MMRP.

Implementation of Strategic Plan Goals

The recommended action supports the second goal of the County Strategic Plan, which is to enrich lives of County residents by providing enhanced services and effectively planning and responding to economic, social, and environmental challenges. A new environmental assessment will ensure that the potential environmental impacts of the proposed residential development are properly analyzed and addressed in compliance with the recently adopted Santa Monica Mountains LCP.

FISCAL IMPACT/FINANCING

The recommended action will not result in any new significant costs to the County because the applicant will be required to pay fees for the new environmental assessment and CDP applications for the proposed residential development. These fees will cover County costs associated with processing the new environmental assessment and CDP applications.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A duly noticed public hearing to consider the appeal of the Director's decision was held on April 8, 2015, before the Commission with four commissioners present. The Department's staff gave a presentation on the project, recommending that the appeal be denied and the Director's adoption of the MND and MMRP be upheld by the Commission.

Appellant MNVCA's attorney provided testimony before the Commission and stated that the adopted MND must be set aside because it evaluates a project that was designed prior to adoption of the Santa Monica Mountains LCP. He also argued that the homes must be redesigned to comply with the LCP and that an adequate analysis for the redesigned homes cannot be done with the previously prepared environmental document.

Subsequently, the Developer's attorney provided testimony before the Commission, asserting that the MND was adequate and properly prepared. His testimony included an explanation of the history of the previous Environmental Impact Report (EIR) certified for the original subdivison of the Monte Nido Tract, the grading of the property that occurred pursuant to CDP 5-83-4 issued by the Coastal Commission, and previous environmental analysis of the building sites. The Developer Vintage's attorney further stated that water quality would be controlled with required permits from state and federal agencies in accordance with the mitigation measures in the MND and MMRP, and that the identified buidling sites are not located in sensitive habitats and would not impede wildlife movement in the project area. The Developer's attorney stated that visual impacts would be mitigated with landscaping, as indicated in the MND and MMRP, and that fuel modifcation and structure setbacks were also previously addressed in the prior EIR. Lastly, Vintage's attorney asked the Commission to deny the appeal and stated that the appeal of the MND was the only matter before the Commission, not the plot plans approved "in concept" for the homes and their compliance with the new LCP.

Thirteen public speakers provided testimony before the Commission. The speakers expressed concerns related to the proposed project's fuel modification requirements; the depiction of fuel modification areas only within the project's property lines; impacts to the Backbone Trail due to brush clearance; impacts to wildlife movement; inadequate mitigation for impacts to Lot 22 due to close proximity to a designated Environmentally Sensitive Habitat Area (ESHA); potential flood hazards due to an increase of impervious surfaces and stormwater runoff; and impacts to the area's scenic quality. The speakers emphasized the protection of Coastal resources and requested that the MND and MMRP be invalidated and that the developer redesign the project in compliance with the newly adopted LCP.

In rebuttal testimony, the appellant MNVCA's attorney stated that the project's MND did not evaluate the impacts of the full extent of the required fuel modification. He also opined that it is unlikely that the CDP previously issued for grading of the identified building sites would supersede the current requirements of the newly adopted LCP. MNVCA's attorney also noted that condition No. 4 of the CDP previously issued for grading of the identified building sites, which was mentioned by the Developer's counsel, identifed a deed restriction which requires a separate CDP for each lot to be developed. MNVCA's attorney asserted that the settlement agreement mentioned by the Developer's attorney in his letter to the Commission does not prevent the County from applying the new LCP requirements to the project. MNVCA's attorney further stated that a discretionary permit is required for each lot and that each permit needs to look at a number of issues that could have environmental impacts. Lastly, the appellant's attorney stated that the adopted MND and MMRP should not be used to evaluate environmental impacts of the redesigned homes and should not be upheld.

After the testimony concluded, the Commission discussed the appeal. During this discussion, County Counsel stated that only the adopted MND and MMRP were before the Commission and not the plot plans approved "in concept" by the Director. County Counsel stated that an environmental analysis of the homes, as redesigned to comply with the LCP, could be tiered off of the MND. County Counsel also informed the Commission that their decision to uphold or deny the appeal of the MND and MMRP could be appealed to the Board of Supervisors by either the Project Opponent or the Developer pursuant to the provisions of the California Environmental Quality Act (CEQA).

After concluding its discussion, the Commission determined that the MND reflected assumptions for development in the Santa Monica Mountains Coastal Zone based on the prior 1986 Malibu Land Use Plan, and that therefore a new environmental document is necessary to analyze a redesign of the homes in compliance with the recently

adopted LCP. Based on this finding, the Commission voted 4-0 to uphold the appeal and invalidate the Director's adoption of the MND and MMRP.

The Developer subsequently filed an appeal of the Commission's decision. A public hearing is required pusuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Sections 6061, 65090, 65355, and 65856 of the Government Code pertaining to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The EIR certified by the County in 1982 occurred before the Coastal Commission approved CDP 5-83-4 in 1983 for Tract No. 38931 and its related grading impacts. When applications for Director's Review plot plans were submitted in 2012 and 2013, staff determined that a new environmental assessment was necessary to address the impacts of the proposed single-family homes, because those proposed homes were not designed at the time Tract Map No. 38931 was approved. As previously mentioned, CDP 5-83-4 also required a separate CDP for each lot to be developed, thereby initiating the subsequent requirement of a Director's Review plot plan approval "in concept" for each lot. A Director's Review is a discretionary approval that is subject to the guidelines of CEQA. Because the lots were all located in a mapped sensitive environment, the Department's staff determined that no Class 3 exemptions could be applied to the proposed single-family residences pursuant to Section 15300.2 of the CEQA Guidelines.

Pursuant to the CEQA Guidelines, the Department's staff prepared an Initial Study and determined that an MND would be necessary to address environmental impacts related to the proposed development. Following the receipt of comments from other County departments and outside agencies, staff prepared mitigation measures and circulated the MND and MMRP, along with a Notice of Completion, to the State Clearinghouse. The applicant also posted a Notice of Intent to adopt the MND with MMRP at three locations within the project area for a minimum of 30 days in accordance with the CEQA requirements.

During the review period, the Department's staff received comments from California State Fish and Wildlife regarding biota impacts, including fuel modification impacts associated with all proposed structures, and received comments from area residents and the MNVCA expressing concerns related to impacts to the scenic quality and natural habitat of the area. Staff reviewed and responded to these comments and prepared findings that determined that the mitigation measures prepared would be

adequate to address all potential impacts identified and mitigate them to a less than signifcant level. The MND and MMRP were adopted by the Director on September 24, 2014, concurrent with the approval "in concept" of plot plans for 13 single-family residences.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will not result in any negative impacts on current services or projects. As previously noted, the applicant will be required to pay fees for the new environmental assessment and CDP applications for the proposed residential development. These fees will cover County costs associated with processing the new environmental assessment and CDP applications.

Should you have any questions, please contact Rudy Silvas at (213) 974-6438 or rsilvas@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.

Respectfully submitted,

Richard J. Bruckner
Director

RJB:SA:MG:RS:lm

Attachments: Findings and Conditions, Commission Staff Report and Correspondence, MND and MMRP

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

K_CP_092215_PROJECT_ VINTAGE PACIFIC AT MONTE NIDO_BL

LOS ANGELES COUNTY BOARD OF SUPERVISORS

AGENDA ENTRY

DATE OF MEETING:	July 28, 2015
DEPARTMENT NAME:	REGIONAL PLANNING
BOARD LETTERHEAD:	DEPARTMENT
SUPERVISORIAL DISTRICT AFFECTED	THIRD DISTRICT
VOTES REQUIRED	3 -VOTES
CHIEF INFORMATION OFFICER'S RECOMMENDATION	NONE

*** * * * *ENTRY MUST BE IN MICROSOFT WORD* * * * ***

Instructions: To comply with the Brown Act requirement the reader should fully understand what the department is asking the Board to approve. The recommendation must describe what the action is for; with whom the action is being taken; fiscal impact, including money amounts, funding sources, and effective dates. Also, include an instruction for the Chair(man) or Director to sign when such signature is required on a document.

PROJECT NO.: R2012-02436 to 02440 and R2013-03620 to 03630-(3)

PUBLIC HEARING

BOARD AGENDA TEXT:

EXAMPLE TEXT

1. De novo hearing on Project No. R2012-02436 to 02440 and R2013-03620 to 03630-(3), Environmental Assessment Case No. RENV 201200258, associated with Case No. RPP 201200970 to 201200974 and RPP 201301334 to 201301344, to adopt a Mitigated Negative Declaration (MND) for the development of up to sixteen single-family homes on sixteen residential lots in Tract 38931. Plot plans for thirteen of the sixteen homes were approved "in concept" by the Director pursuant to the previously adopted 1986 Malibu Land Use Plan, now superseded by the newly adopted 2014 Santa Monica Mountains Local Coastal Program. The project is located in the 25700 Block of Piuma Road of The Malibu Zoned District, within the unincorporated Community of Monte Nido and is applied for by the applicant Vintage Pacific at Monte Nido, LLC (Appeal of Regional Planning Commission's decision to invalidate the MND).

BOARD LETTER COVER SHEET

Agenda Date: July 28, 2015

Subject: **DEPARTMENT OF REGIONAL PLANNING**
PROJECT R2012-02436 to 02440 and R2013-03620 to 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258, ASSOCIATED WITH CASE NO. RPP 201200970 TO 201200974 AND RPP 201301334 TO 201301344, TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR DEVELOPMENT OF UP TO SIXTEEN SINGLE-FAMILY HOMES ON SIXTEEN RESIDENTIAL LOTS IN TRACT 38931
(THIRD SUPERVISORIAL DISTRICT)
(3 VOTES)

If the Board Agenda item requires clearance from County Counsel or Chief Information Officer, explain where you are in that review process. If not, please indicate that it is not required.

County Counsel has cleared appeal item for placement on Board Agenda

If there is an urgency to the Board Agenda item, explain the urgency, citing the reason for the urgency (including the drop-dead due date) and consequences if the due date is missed. If not, please indicate that there is no urgency.

No urgency

Is this a Consent Agenda item? Check the appropriate box below and explain why for either item.

☐ Consent

☒ Not Consent. This item requires a de novo public hearing.

Board Notification:

☒ Yes (see attached)

☐ No (please explain why not)

Contact person for the Board Agenda item, division, phone number, and e-mail address.

Rudy Silvas
Department of Regional Planning, Land Development Coordinating Center
(213) 974-6438
rsilvas@planning.lacounty.gov

APPLICANT

Date April 22, 2015

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT NO/CUP NO.: R2012-02436 to R2012-02440 & R2013-03620 to R2013-03630 - (3)

APPLICANT: Vintage Pacific at Monte Nido, LLC

LOCATION: 25600 and 25700 block of Piuma Road, Monte Nido, APNs 4456-038-001

002, 003, 004,006, 007, 013, 014, 015, 106, 017, 018, 019, 020, 021, 022

The Malibu — Zoned District

Related zoning matters:

CUP(s) or VARIANCE No.

Change of Zone Case No.

Other Environmental Case No. 201200258

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented with a check or money order, payable to the Board of Supervisors, along with personal identification, prior to the appeal deadline at 5:00 p.m. at the above address. (Appeal fees subject to change) Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426.

This is to appeal: (Check one)

MDC. ☐ The Denial of this request $7,225* OR

☑ 2 or less conditions of the Project to be listed below: $843.00*

~~RPC granting appeal of project's MND~~ ~~RPC granting appeal of project's MMRP~~

*For Subdivisions $260.00 of this amount is to cover the cost of the hearing by the Board of Supervisors

NO CHARGE - PER COUNTY COUNSEL.

2015 APR 22 PM 3:22

FILED

Briefly, explain the reason for this appeal is as follows (attach additional information if necessary):

Vintage Pacific at Monte Nido, LLC appeals the Regional Planning Commission's April 8, 2015 granting of an appeal by the Monte Nido Valley Community Association of the above-referenced project's Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Please see the attached for more information. The Regional Planning Commission determination is attached to this appeal form.

x _____
(Signed) Appellant

Alexander M. DeGood, Legal Counsel for Vintage Pacific at Monte Nido, LLC
Print Name

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Alexander M. DeGood
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File No. 043089

April 22, 2015

VIA HAND DELIVERY

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
Executive Office of the Board
500 West Temple Street, Room 383
Los Angeles, CA 90012

Re: Environmental Assessment No. 201200258:
Appeal of Regional Planning Determination re Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Dear Mayor Antonovich and Members of the Board of Supervisors:

This office represents Vintage Pacific at Monte Nido, LLC ("Vintage"), the owner of twenty-one separate parcels of land comprising a portion of Los Angeles County Tract No. 38931, located on the 25600 and 25700 blocks of Piuma Road (the "Property"). Vintage hereby appeals the April 8, 2015, determination by the Regional Planning Commission (the "RPC"), attached as Exhibit "A," which granted a meritless appeal of the above-referenced mitigated negative declaration ("MND") and mitigation monitoring and reporting program ("MMRP") for approved in concept plans for 13 homes on separate lots on the Property (the "Project").

The MND and the MMRP relate to an approved Project that was not appealed. There is no question that the project described in the MND and the MMRP is the approved Project. Nor is there any dispute that the MND and MMRP correctly describe that Project. Nevertheless, the RPC determined that a new environmental document with a revised project description is necessary to analyze a redesign of the approved Project, even though the Project approval was not appealed and was not before the RPC. As a result of the RPC's decision, the County would be required to prepare a CEQA document that would not accurately describe the approved Project – a result that would render the environmental review legally inadequate.

On March 12, 2013 the County and Vintage entered into a written agreement (the "2013 Agreement") pursuant to which the County committed to expeditiously process and exercise its discretion to act on the Project. However, instead of honoring its contractual obligation, the County delayed the approval and, in the meantime, approved a local coastal program for the Santa Monica Mountains, where the Project is located. For months the County assured Vintage that the local coastal program would not affect the County's consideration of the Project. In reliance on the

2013 Agreement and the County's assurance, Vintage spent millions of dollars processing the Project. However, the County now claims, and the RPC agreed, that the local coastal program prevents the County from performing its obligations under the 2013 Agreement – a clear breach of that agreement.

The import of the RPC decision is that Vintage should be required to abandon the approved Project (even though the Project was not appealed to the RPC) and, instead, process a new project that differs substantially from the project that is the subject of the 2013 Agreement.

The RPC's decision is improper as matter of law and would constitute a breach of the 2013 Agreement if upheld. The RPC determination must be set aside and the Project's MND and MMRP upheld.

I. THE 2013 AGREEMENT REQUIRES THAT THE COUNTY EXERCISE DISCRETION OVER THE PROJECT, NOT ABANDON IT COMPLETELY

A. Project History

Previous iterations of the Project date back decades, as the Project's tract map (the "Map") was approved in 1982 and recorded in 1987. Pursuant to this Map, a previous owner, Rossco Holdings, Inc. ("Rossco"), posted a series of bonds and deposits in the 1980s and 1990s for the infrastructure necessary to undertake a residential development on the Property. In 2010 Rossco filed for bankruptcy, and in 2011 sued the County to exonerate its obligations related to the bonds and deposits.

B. Vintage Solves the County's Legal Entanglements with the 2013 Agreement

After taking title to the Property, in 2013 Vintage proposed an agreement that would eliminate the Rossco lawsuit and provide the County with a further substantial benefit in the form of dedicated open space. Vintage and the County then entered into the 2013 Agreement, in which (i) Vintage agreed to replace Rossco's obligations; (ii) Vintage agreed to apply for a Map modification dedicating five lots to permanent open space; (iii) the County agreed to process the Map modification; and (iv) the County agreed to process Vintage's plot plan applications for houses on 15 of Vintage's remaining lots. Plot plans substantially similar to those submitted in applications to the County were attached to the 2013 Agreement, and the 2013 Agreement explicitly obligated the County to exercise its discretion over the attached plot plans.

C. The 2013 Agreement Carried Out a Project Review the County Was Already Undertaking

Notably, the County did not initially see the proposed plot plans with the 2013 Agreement. Rather, the County had already begun to process and examine the plot plans, including holding a November 2012 Environmental Review Board hearing at which it provided extensive comments regarding project design and the scope of necessary environmental analysis and review. From this initial formal review (at which point the applicant had already expended substantial work

designing the Project), the County took almost two years to approve the Project and related environmental review.

D. The RPC's Action is a Breach of the 2013 Agreement

The 2013 Agreement obligates the County to exercise its discretion to act on Vintage's plans for the Project, which were attached as exhibits to that agreement. The RPC determined that Vintage must abandon the Project the County committed to process, and indeed approved, and submit a revised project description that does not conform to the Project approval. At no point does the RPC determination explain how the County can force an applicant to change the description of a project that the County already approved, the approval of which was not appealed. Nor does the RPC determination explain how a MND project description can be changed to describe an approval that differs substantially from the Project approval to which the MND relates.

The import of the RPC decision is that the County has breached the 2013 Agreement by enacting an LCP, which prevents the County from exercising any further discretion to act on the Project. The RPC's decision that Vintage cannot continue to seek approval of the Project under the terms of the 2013 Agreement is a breach of that agreement.[1]

Contrary to the RPC's actions, Vintage continues to operate in good faith under the 2013 agreement, as evidenced by filing an appeal of the RPC determination. The 2013 agreement obligates Vintage to process the submitted plot plans, and that is what Vintage continues to do. The County must do the same, and cannot abdicate its legal responsibility to exercise its discretion over the 2013 plot plans.

II. THE RPC FAILED TO MAKE LEGALLY REQUIRED FINDINGS

The RPC determination is remarkable for what it lacks; namely, findings of any sort identifying deficiencies in the Project's MND or MMRP. It is bedrock principle of California law that adjudicatory land use decisions must be explained by clearly articulated findings that support the decision, and that are in turn supported by substantial evidence in the administrative record. *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 (court reviews agency's decision to determine "both whether substantial evidence supports the administrative agency's findings and whether the findings support the agency's decision.")

Rather than make any findings, or in any way address the substance of the Project's MND and MMRP, the sum total of the RPC's determination is that a "new environmental document with a revised project description is necessary" due to the adoption of the LCP. The RPC

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[1] The County's lack of good faith and fair dealing with respect to the 2013 Agreement is particularly evident given that the County took considerable time to process relatively simple plans for single family homes while it was finalizing the LCP, approving the Project just before final adoption of the LCP and leaving the applicant no time to obtain coastal development permits from the Coastal Commission before the new LCP took effect.

determination does not explain or address why the adoption of the LCP requires a new Project environmental document, does not address the Project's vested rights, and completely fails to articulate any specific rationale, supported by evidence in the record, for its general statement. Such a failure renders the RPC determination legally unsustainable.

As detailed in our April 6, 2015 letter to the RPC, there is unrefuted evidence in the administrative record supporting the Director's determination to adopt the Project's MND and MMRP. Absent substantial evidence refuting this evidence (and there is none), the Director's determination must be upheld.

III. THE PROJECT DOES NOT REQUIRE SUBSEQUENT ENVIRONMENTAL REVIEW

A. The Project Triggers None of the Requirements for Subsequent Environmental Review

The California Environmental Quality Act ("CEQA") strictly defines when a lead agency may require subsequent environmental review of an approved project. CEQA Guidelines section 15162 governs the preparation of subsequent environmental review, holding that such review is permissible only when (i) substantial changes are proposed for a project that will cause new or more severe significant environmental effects; (ii) substantial changes will occur with respect to the circumstances under which a project is undertaken; or (iii) new information not known at the time of environmental review shows new or more severe significant impacts caused by the project. Guidelines sec. 15612(a)(1) – (3).

Here, there are no changes proposed for the Project, and therefore, by definition, it will have the same impacts (or lack thereof) on the surrounding environment as when the County undertook the Project's environmental review. Under CEQA, environmental effects are *physical* impacts on the surrounding environment caused by a project. Pub. Res. Code sec. 21068. If a project has not changed, it cannot cause different or more severe physical impacts on the surrounding environment. The Project will exist in the same footprint, the same distance from surrounding vegetation, with the same limited visibility from adjacent roadways and trails, post-LCP adoption as it would have had the County never adopted the LCP. "The purpose of an environmental impact report [or MND] is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment[.]" Pub. Res. Code sec. 21061. The MND therefore meets the statutory obligation to inform the public and decision makers regarding the Project's physical impact on the environment, which in this case has been mitigated below a level of significance.

The RPC decision mistakes a regulatory framework for a new or more severe physical impact on the environment. The fact that the regulatory environment in which the Project will operate has changed subsequent to Project approval is not an environmental impact. If that were the case, every project would be subject to subsequent environmental review whenever a plan, regulation or standard changes. That does not occur because CEQA focuses on a project's physical changes to the environment, not on how a particular regulation applies to a project.

CEQA explicitly forecloses such a never-ending process of further environmental review and provides finality to project decisions by strictly limiting the grounds for further environmental review to narrow circumstances where the physical effect of a project on the surrounding environment has changed or there was a physical effect of the project on the surrounding environment that was not known and could not have been known through the exercise of reasonable diligence when the prior CEQA review occurred. None of those circumstances is present with respect to the MND.

There is no justification for requiring an MND to describe a project that differs substantially from the project that was approved with that MND, particularly when the project approval was not appealed and is therefore final. Accordingly, there is no legal basis for the RPC's decision.

B. The Project's Tract Map at a Minimum Vests the Development Envelope

Regardless of the County's interpretation of the application of the LCP to the Project, the Project has vested rights pursuant to its recorded Map and coastal development permit issued for that Map. Specifically, the Map and coastal development permit approved the development envelopes of the various legal lots, and the County cannot now restrict those vested envelopes. Indeed, the County previously recognized the vested rights conferred by the Map and coastal development permit when it approved the Project, noting that while the Project density is greater than that permitted in the Malibu Land Use Plan, the density must be permitted because the Project's lots were created prior to the adoption of the Plan.

The County's LCP states specifically that its provisions do not apply to development undertaken pursuant to a coastal development permit issued by the Coastal Commission before the LCP took effect, as is the case here. The coastal development permit for the Map allows development to occur within specified development envelopes and at specified densities. The County cannot abrogate such rights without effectuating a taking of private property without just compensation.

As the above demonstrates, the RPC's determination is not sustainable, breaches an agreement which imposes continuing duties on the County, and must be set aside.

Sincerely,

Alexander M. DeGood

AMD/aiz
043089\6858541v8
cc: Rudy Silvas, Principal Regional Planning Assistant
Nicole Englund, Planning and Transportation Deputy, 3rd District

EXHIBIT A

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 9, 2015

Frank P. Angel, Esq.
Angel Law
2601 Ocean Park Blvd., Ste. 205
Santa Monica, CA 90405

REGARDING: **PROJECT NO. R2012-02436 to R2012-02440 & R2013-03620 to R2013-03630 – (3)**
ENVIRONMENTAL ASSESSMENT NO. 201200258
25700 BLOCK OF PIUMA RD., MONTE NIDO (APN 4456-038-001, 002, 003, 004, 006, 007, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022)

The Regional Planning Commission, by its action of **April 8, 2015,** has **UPHELD THE APPEAL** of the adoption of the above-referenced projects' Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP). The Commission's specific reasons to uphold the appeal were that the MND reflected assumptions for development in the Santa Monica Mountains Coastal Range based on the prior 1986 Malibu Land Use Plan, and that a new environmental document with a revised project description is necessary to analyze a redesign of the proposed residences in compliance with the new Santa Monica Mountains Local Coastal Program (LCP) and to ensure that all possible environmental impacts were appropriately assessed.

The appellant or any other interested person(s) may file an appeal of the Regional Planning Commission's decision on the appeal of the MND to the Board of Supervisors, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074 (f), and County Code Section 22.60.260, by the date and time indicated below. This action by the Regional Planning Commission is not effective until the appeal period has concluded.

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 **April 22, 2015. 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

For questions or for additional information, please contact Rudy Silvas of the Land Development Coordinating Section at (213) 974-6438, or by email at rsilvas@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Mitch Glaser, Assistant Deputy Director
Current Planning

c: Board of Supervisors; Cox, Castle & Nicholson LLP

MG:RS

CC 060412

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 8, 2015

TO: Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Stephanie Pincetl, Commissioner
Curt Pedersen, Commissioner

FROM: Rudy Silvas RS.
Principal Regional Planning Assistant
Land Development Coordinating Center

SUPPLEMENTAL INFORMATION – PROJECT NUMBERS R2012-02436 TO 02440 AND R2013-03620 to 03630-(3) – ENVIRONMENTAL ASSESSMENT CASE NO. 201200258 – APRIL 8, 2015 REGIONAL PLANNING COMMISSION MEETING – AGENDA ITEM #9

ADDITIONAL CORRESPONDENCE

Staff has received additional correspondence, which is attached for your review.

REVISED STAFF RECOMMENDATION

Staff recommends that the appeal of Environmental Assessment Case No. 201200258 be denied and that the Mitigated Negative Declaration be upheld. However, staff no longer recommends that the associated Director's Review approvals "in concept" be invalidated and that the project proponent be directed to redesign the single-family residences as necessary to comply with the newly certified Local Coastal Program (LCP) and to submit a Coastal Development Permit (CDP) application for each single-family residence to Regional Planning.

As mentioned in the staff analysis provided to your Commission on March 26, the project proponent did not have the opportunity to submit CDP applications consistent with the County's approvals "in concept" to the California Coastal Commission (Coastal Commission) prior to the effective date of the new LCP. Therefore, under County Code Sections 22.44.910 E. and G. of the new Local Implementation Program (LIP) of the LCP, the project proponent must submit CDP applications for the proposed residential developments to the County pursuant to the requirements of the certified LCP. The LIP states that "no applications for development within the County's permit jurisdiction shall be accepted by the Coastal Commission for development within the Coastal Zone."

As also mentioned in the staff analysis provided to your Commission on March 26, the proposed residential development plot plans approved "in concept" by the Director are not in compliance with the new requirements set forth under the policies and ordinance requirements of the certified LCP. For example, some of the proposed single-family homes must be redesigned to meet new gross structural area requirements for some of the lots, and all of the proposed single-family homes must be redesigned to meet new height requirements unless the project proponent successfully obtains approval of a variance.

In conclusion, it is not necessary for your Commission to invalidate the Director's Review approvals "in concept" and to direct the project proponent to redesign the single-family residences as necessary to comply with the newly certified LCP and to submit a CDP application for each single-family residence to Regional Planning. It is already necessary for the project proponent to redesign the single-family residences as necessary to comply with the newly certified LCP and to submit a CDP application for each single-family residence to Regional Planning. In reviewing those CDP applications, the prior "approvals in concept" based on the prior coastal land use plan, will not be relevant.

REVISED SUGGESTED MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE APPEAL HEARING, DENY THE APPEAL, AND UPHOLD THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT NO. 201200258) BY THE DIRECTOR, PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

Should you have any questions on this project please feel free to contact me at (213) 974-6438.

MG:RS

COX CASTLE NICHOLSON

Cox, Castle & Nicholson LLP
2029 Century Park East, Suite 2100
Los Angeles, California 90067-3284
P: 310.284.2200 F: 310.284.2100

Stanley W. Lamport
310.284.2275
slamport@coxcastle.com

File No. 043089

April 6, 2015

VIA EMAIL AND MESSENGER

Regional Planning Commission
Los Angeles County
Department of Regional Planning
320 W. Temple Street
Room 150
Los Angeles, CA 90012
c/o Ms. Rosie Ruiz
Regional Planning Commission Secretary

Re: Environmental Case No. 201200258: Monte Nido - Appeal of MND and MMRP

Hearing Date: April 8, 2015

Dear Members of the Regional Planning Commission:

This office represents Vintage Pacific at Monte Nido, LLC ("Vintage"), the owner of twenty separate parcels of land comprising Los Angeles County Tract No. 38931, located on the 25600 and 25700 blocks of Piuma Road (the "Property"). On September 24, 2014, after extensive environmental analysis and multiple Environmental Review Board hearings, the Director, pursuant to Los Angeles County Code section 22.56.1660, approved in concept plans for 13 homes on separate lots on the Property (the "Project"), and adopted a mitigated negative declaration ("MND") and a mitigation monitoring and reporting program ("MMRP").

The MND and MMRP were subsequently appealed by the Monte Nido Valley Community Association (the "MNVCA") (the "Appeal"). The Appeal is nothing more than conjecture regarding alleged insufficiency of the MND and MMRP and should be denied. County Code requires that an appellant "state specifically" how a determination "is not in accord with the purposes of" the Planning Code or how a determination was in error or is not supported by evidence in the record. County Code § 22.60.230. The appellant has clearly failed to meet this burden, as the Appeal does not address the substantial evidence in the record supporting the Director's determination, nor does it point to any countervailing evidence. As detailed below, in contrast to the Appeal's unsupported accusations, the conclusions of the Project's environmental review are the result of careful analysis and study, and must be upheld.

I. SUBSTANTIAL EVIDENCE SUPPORTS THE MND'S CONCLUSIONS, AND THE RECORD CONTAINS NO SUBSTANTIAL EVIDENCE OF ADVERSE IMPACTS

The Appeal, without pointing to any study, analysis or other information that would constitute substantial evidence, briefly asserts that the Project's MND and Initial Study (i) do not mitigate an "expected" aesthetic impact to the Backbone and Saddle Peak trails and scenic vistas along Piuma Road; (ii) fail to disclose impacts to water quality in the Malibu Creek watershed; and (iii) are deficient in surveying rare and sensitive species. The Appeal also states that because the Project's underlying decades old tract map, which is not before the Commission, was approved with an EIR, the current Project must necessarily undertake an EIR. None of the contentions have any merit.

A. The Initial Study Contains Analysis of Potential Aesthetic Impacts, and the Project Must Implement Detailed, Defined Mitigations to Ensure No Impacts Occur

The Appeal simply states that the MNVCA "raised concerns about aesthetic impacts" but does not define what these potential impacts are or the basis for the statement of concern. Rather, it states, absent any evidence, that the Project has an "expected impact" to the Backbone and Saddle Peak trails and scenic vistas along Piuma Road without explaining why an impact will occur, or why Project mitigations are insufficient.[1] Such statements do not constitute substantial evidence of an aesthetic impact. Substantial evidence is not mere argument, speculation, or unsubstantiated opinion. Pub. Res. Code §§ 21080(e)(2), 21082.2(c), CEQA Guidelines § 15064(f)(5).

The Project's Initial Study, in conformance with the thresholds of significance outlined in CEQA Guidelines Appendix G, analyzes whether the Project would cause a substantial adverse effect on aesthetics such as scenic vistas and views from trails. The record contains a visual assessment of Project visibility from the Backbone Trail, which demonstrates that the trail is heavily covered by oaks or tall chaparral, and that only very limited portions of the Project are visible from the trail. Nonetheless, the Initial Study acknowledges that the Property is visible from a scenic vista along Piuma Road and from the Backbone Trail. The Project must therefore implement specific, defined mitigations and comply with relevant County ordinances . Specifically, the Project must (i) comply with the County's Dark Skies ordinance, which substantially limits the intensity and direction of exterior lighting; (ii) utilize only earth-tone colors and avoid large reflective surfaces; and (iii) design and implement a landscape and fuel modification plan that utilizes locally indigenous native plants in defined areas.

Contrary to the Appeal's statement that the landscape plan is without standards, the mitigation measure provides specific details regarding the types of plants that can and cannot be

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[1] The Appeal seems to suggest that any visibility of the Project residences from the Backbone Trail is by definition an aesthetic impact, without mentioning that the reason the Backbone Trail runs adjacent to the Project is that the land for the trail was dedicated as a condition of the Project's tract map. Thus, rather ironically, the appellant would have a trail dedication condition defeat the development of the very subdivision without which the trail would not exist.

used, including avoidance of plants listed on the DRP and Cal-IPC invasive plant list. Further, the mitigation measure requires the use of landscaping to screen the residences from the trail and Piuma Road viewpoints.[2]

The Appeal also claims, again without citation to any evidence or authority, that there are unmitigated "negative impacts" due to the setbacks between the proposed residences. However, the Appeal notes that these setbacks are consistent with the Project's underlying tract map, which is not before the Commission, and in any event was subject to CEQA review at the time of its approval.

B. The Initial Study Analyzes Potential Water Quality Impacts in Detail and the Project Must Implement Defined, Feasible Mitigation Measures

The Appeal devotes all of two sentences to assertions that the Initial Study does not disclose potentially significant impacts to the Malibu Creek watershed, and that Project mitigation is subject to "partially unspecified water quality standards." The Appeal is factually incorrect. First, the Initial Study explicitly states that the Project is part of the Malibu Creek watershed. In order to ensure the Project does not impact the watershed, the Project must comply with MS4 permit requirements regarding water runoff. Further, the Project has already been granted conceptual approval for onsite wastewater treatments systems.[3] The Appeal does not mention these requirements and approvals, let alone provide evidence they are insufficient. Second, the Project is subject to clearly defined standards and mitigations, including all Regional Water Quality Control Board requirements, California Fish and Wildlife and US Army Corps of Engineers permit requirements, and County Low-Impact Development standards.

C. Project Environmental Review Includes an Extensive Biological Resources Assessment and Numerous Detailed Mitigation Measures

While the Appeal provides no independent assertions or evidence regarding a deficiency in the Initial Study's analysis of biological resources, it does attempt to use a letter written by the California Department of Fish and Wildlife ("CDFW") to criticize the Initial Study. Incredibly, however, the Appeal neglects to mention that (i) the County's biologist analyzed and responded to the CDFW letter, and (ii) the County required additional biological analysis as a result of the CDFW letter, which the applicant completed (*see* August 15, 2014 "Revisions to Plant Community Discussion for the Monte Nido Estates Project" by PCR Services Corporation). This additional analysis, coupled with the County Biologist's response, directly addressed the alleged deficiencies in the Initial Study raised by CDFW.

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2 It is notable that unlike the other homes in the developed neighborhood along Piuma Road, many of which contain little to no landscaping or screening, the Project must implement substantial screening.

3 As a further example of the County's diligence, an onsite wastewater treatment system was not approved for Lot 7, because the lot is not far enough removed from a blue line stream. The County's review is therefore quite detailed and specific.

The other issues raised by the CDFW letter, such as a request for "a range of feasible alternatives" to the Project, are of no legal significance. Analysis of project alternatives is only required within the context of an EIR where an alternative eliminates a significant unmitigable impact or lessens the severity of such an impact. By definition, a project approved with an MND has no unmitigable impacts, and thus an alternatives analysis is not required.

Further, the Appeal does not mention, let alone question, the Project's detailed biological resources mitigation measures, which include requirements for pre-construction surveys, roosting bat protections, minimally invasive vegetation clearance, compliance with federal and state migratory bird statutes, and the presence of a biological monitor, among other mitigations. All of these mitigations are detailed, conform to defined standards, and are feasible. Given that the Appeal calls none of them into question, there is no evidence that they will not achieve necessary mitigation of potential impacts.

D. The Environmental Review Undertaken for the Project's Tract Map Does Not Mandate an EIR for the Project

The Appeal further contends that simply because, decades ago, the County certified an EIR for the Project's tract map, it necessarily follows that all subsequent discretionary approvals related to the tract map also require an EIR. The Appeal cites no authority for this proposition, and there is none. The County retains full discretion, pursuant to evidence in the record, to determine the appropriate level of environmental review for discretionary actions, regardless of a determination made decades ago for a separate approval. Indeed, if, as is the case here, the record discloses that a project will not cause a significant adverse environmental impact, a lead agency must adopt a negative declaration or an MND, and cannot require an EIR. Pub. Res. Code § 21080(c), Guidelines §§ 15063(b)(2), 15064(f)(3).

Additionally, the appealed MND is not the first subsequent environmental review approved by the County since certification of the EIR for the Project's tract map. In 2013 the County approved a modification to the tract map concerning dedication of open space lots and elimination of certain improvement requirements and did not require a new EIR, finding that the modification caused no significant environmental impacts. Just as with the 2013 tract map modification, an EIR is not required if a project will not cause a significant, unmitigable environmental impact.

II. THE COMMISSION MAY NOT INVALIDATE THE IN CONCEPT PLOT PLANS

On April 1st, Regional Planning staff posted a "Suggested Action Motion" for the Commission to adopt that would "invalidate the Director's Approval "in concept" plot plans[.]" The Commission has no authority to undertake such an action, as the in concept plot plans are not before the Commission. The only items before the Commission are the Project's MND and related MMRP, as those are the only items appealed. County Code section 22.60.230 is clear that the appellant defines the scope and reason for an appeal. The County Code provides no authority for the Commission to go beyond the appeal before it and render a determination on other matters.

Further, such an action by the Commission would violate state law. The Brown Act, in Government Code section 54954.2(a), mandates that local agencies post an agenda of all items to be discussed at a public meeting at least 72 hours before the meeting takes place. A public body such as the Commission is prohibited from acting upon matters not duly agendized. The posted agenda for the April 8th meeting, item No. 9, states that the instant matter is "An appeal of a Mitigated Negative Declaration adopted by the Director[.]" Nowhere does the agenda state or indicate that the Commission will consider invalidating the Director's approval of the in concept plot plans, and the Commission therefore cannot vote or discuss such invalidation.

Finally, any such action by the Commission would also breach a March 12, 2013 agreement (the "2013 agreement") between Vintage and the County, in which the County agreed to exercise its discretion and review "as expeditiously as reasonably practical" Vintage's plans for the Project, provided the Project plans were in substantial conformance with those submitted as exhibits to the 2013 agreement.

Pursuant to the 2013 agreement, the County exercised its discretion and approved the in concept plot plans. The County cannot now unilaterally invalidate such an approval on the basis that the approval is no longer valid by virtue of the recently certified 2014 local coastal program without breaching the 2013 agreement. Such an action would be tantamount to the County refusing to exercise its discretion and simply ignoring Vintage's application submitted pursuant to the 2013 agreement. "Every contract imposes upon each party a duty of good faith and fair dealing in its performance and its enforcement." *Foley v. Interactive Data Corp.* (1988) 47 Cal.3d 654, 683. Vintage has thus far performed under the 2013 agreement, and the County must continue to do so as well.

As demonstrated above, the Appeal is wholly without merit. The Project's environmental review was detailed, thorough, and imposes achievable, well-defined mitigation measures. The Appeal provides no evidence to contradict this substantial evidence in the record, and must therefore be denied.

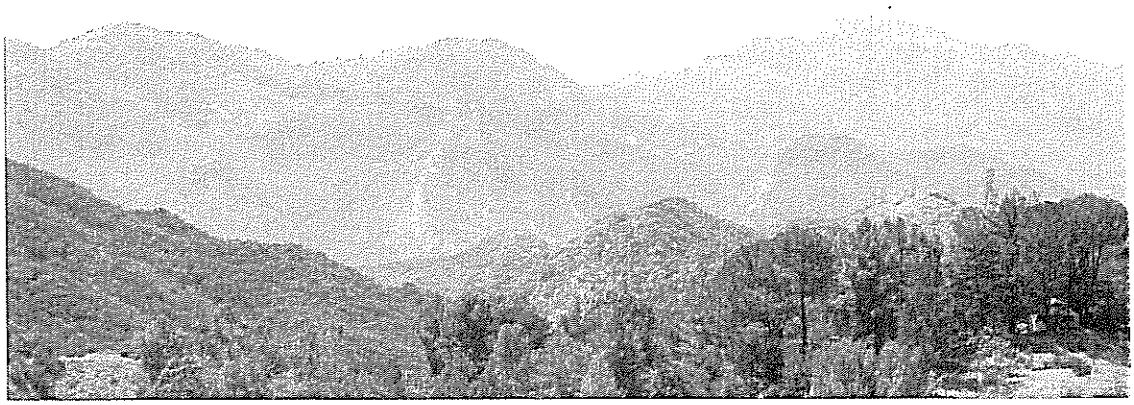
Sincerely,

Stanley W. Lamport

SWL/amd
Attachment
043089\6824855v2
cc: Rudy Silvas, Principal Regional Planning Assistant

Rudy Silvas

From: Kim Lamorie [defendlcp@gmail.com]
Sent: Monday, April 06, 2015 12:01 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - LVHF SUPPORTS COMPLIANCE W/LCP - OPPOSES INADEQUATE MND
Attachments: LVHF-#9-SUPPORT LCP COMPLIANCE-OPPOSE INADEQUATE MND.pdf



The Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains

Dear Ms. Ruiz -

Attached, please find a copy of the Las Virgenes Homeowners Federation comments in reference to Agenda Item 9 - for the Regional Planning Commission hearing on April 8, 2015.

Thank you in advance for forwarding them to all of our Los Angeles County Regional Planning Commissioners.

Sincerely and with best regards,
Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains
www.lvhf.org

Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301

The voice and conscience of the Santa Monica Mountains since 1968

Monday, April 6, 2015

Los Angeles County Regional Planning Commission
Regional Planning Department
320 West Temple Street
Los Angeles, CA 90012

RE: AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**
OPPOSE – **Validation of MND. Require New Environmental Review.**

Dear Regional Planning Commissioners,

On behalf of the Las Virgenes Homeowners Federation of the Santa Monica Mountains, and our nearly 10,000 stakeholders, please invalidate the Approvals in Concept for the Vintage Pacific 16 home development tract project proposed for Monte Nido - our designated rural village, in the heart of the Santa Monica Mountains Local Coastal Program (LCP).

The proposed suburban housing tract is in direct conflict with many of the provisions of the new LCP. When the Planning Director issued the Approvals in Concept, the LCP had not yet been certified, but now that it has been certified, the County must invalidate these approvals and require the developer to re-design the residences in full compliance with the LCP.

For almost a decade, the Las Virgenes Homeowners Federation worked closely with your Regional Planning Staff to ensure the LCP contained clear regulations to protect the homeowners, property owners, and the Santa Monica Mountains most sensitive habitat areas – a scenic, recreational, and ecological resource of national and regional significance – for generations to come.

Your Commission now has the local control that we fought so long and hard for – and is in the position to enact the detailed rules and implementation mechanisms of the LIP to ensure the full intent of the LUP policies are faithfully and consistently executed.

The County must demonstrate its commitment to the enforcement of these important protections in the LCP.

Furthermore, the invalidation of those Approvals in Concept should also invalidate the Mitigated Negative Declaration (MND). CEQA requires an adequate Project Description as the foundation of the environmental analysis. If the project is invalidated, then by definition the environmental analysis accompanying the project becomes moot.

The Commission must await a newly designed project before deciding what level of environmental analysis is appropriate. It cannot simply assume that the new project will have less significant impacts.

Moreover, this MND is inadequate - CEQA requires the County to fully analyze the impacts. The development would allow structures to be built as close as 35-50 feet from the most sensitive habitat areas and yet the MND was silent as to the negative impacts to our biological and scenic resources. The new LCP clearly stipulates that anything closer than 200 feet from either State Parkland or H1 habitat areas will negatively impact the coastal resources. The MND should have analyzed exactly what those impacts are and then either proved that various mitigation measures would lessen the impacts to an insignificant level or conclude that they could not be mitigated, thus triggering the requirement of a full EIR.

We respectfully urge you to invalidate both the Approvals in Concept and the Mitigated Negative Declaration.

Therefore, we support the staff recommendation to invalidate the Approvals in Concept and we ask that you deny the staff's recommendation to validate the inadequate MND – and instead require new environmental review for the new project consistent with the LCP.

Sincerely,

Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains
www.lvhf.org

Rudy Silvas

From: Carol LaCorte [zingomom3@gmail.com]
Sent: Tuesday, April 07, 2015 1:25 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

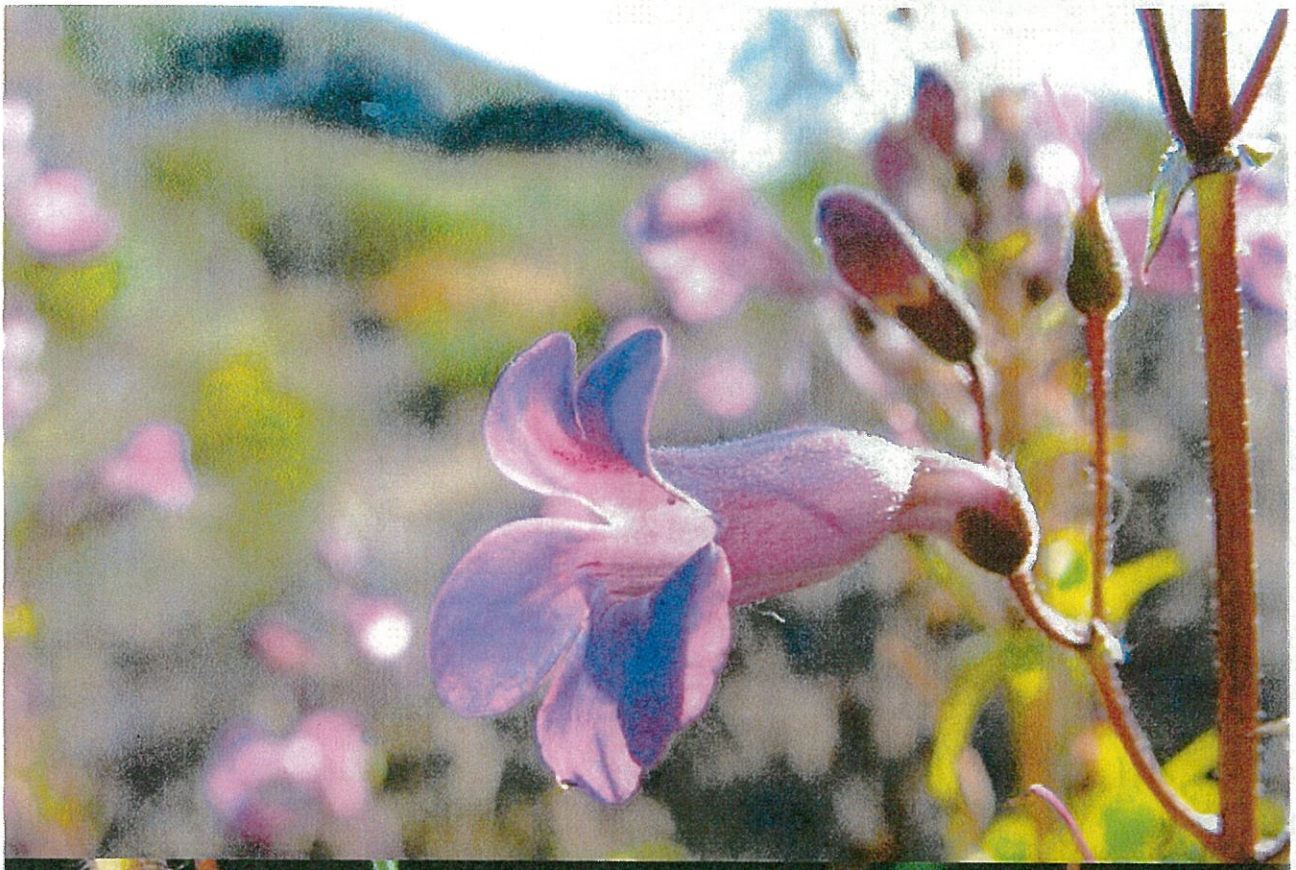
I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

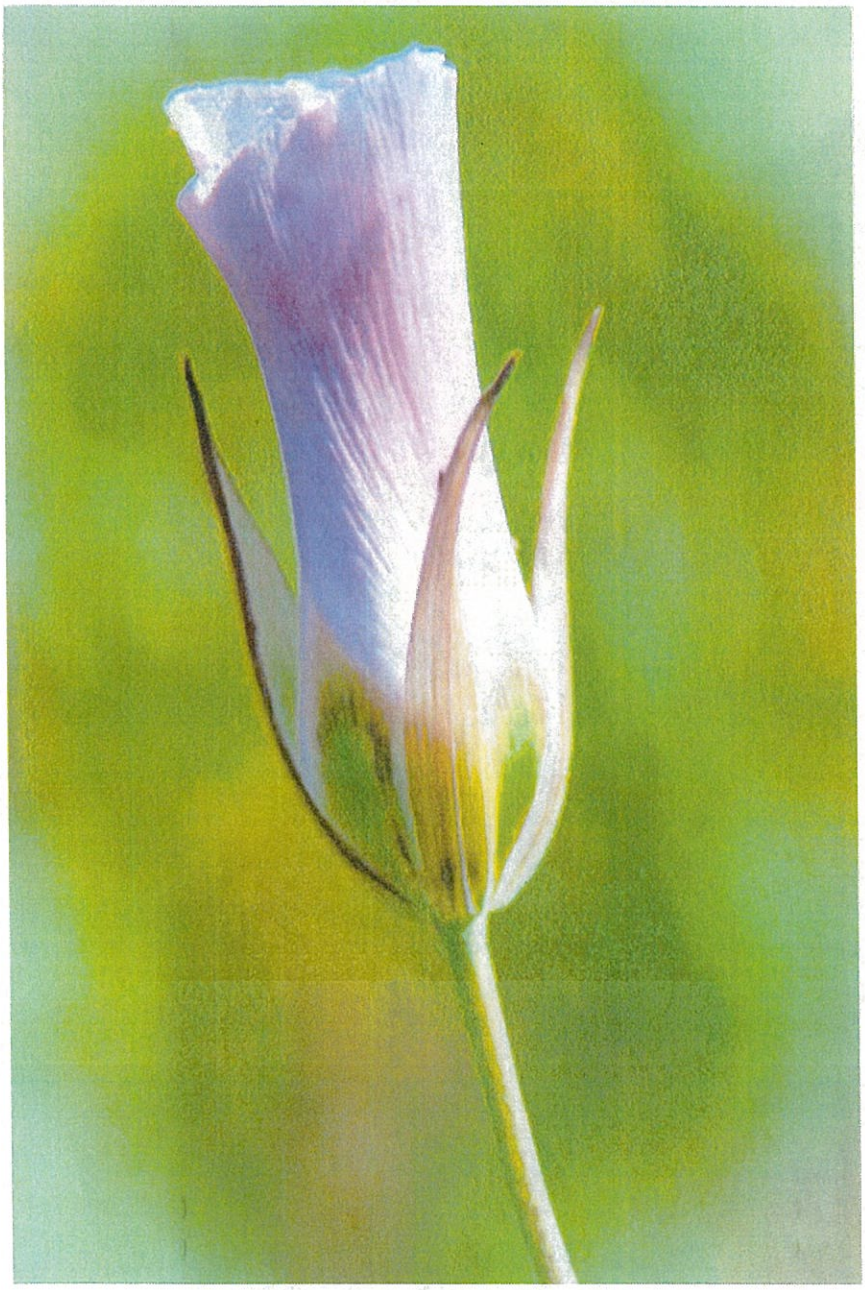
A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it will forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail. Rural areas such as ours are few and far between and simply must be protected, not destroyed.

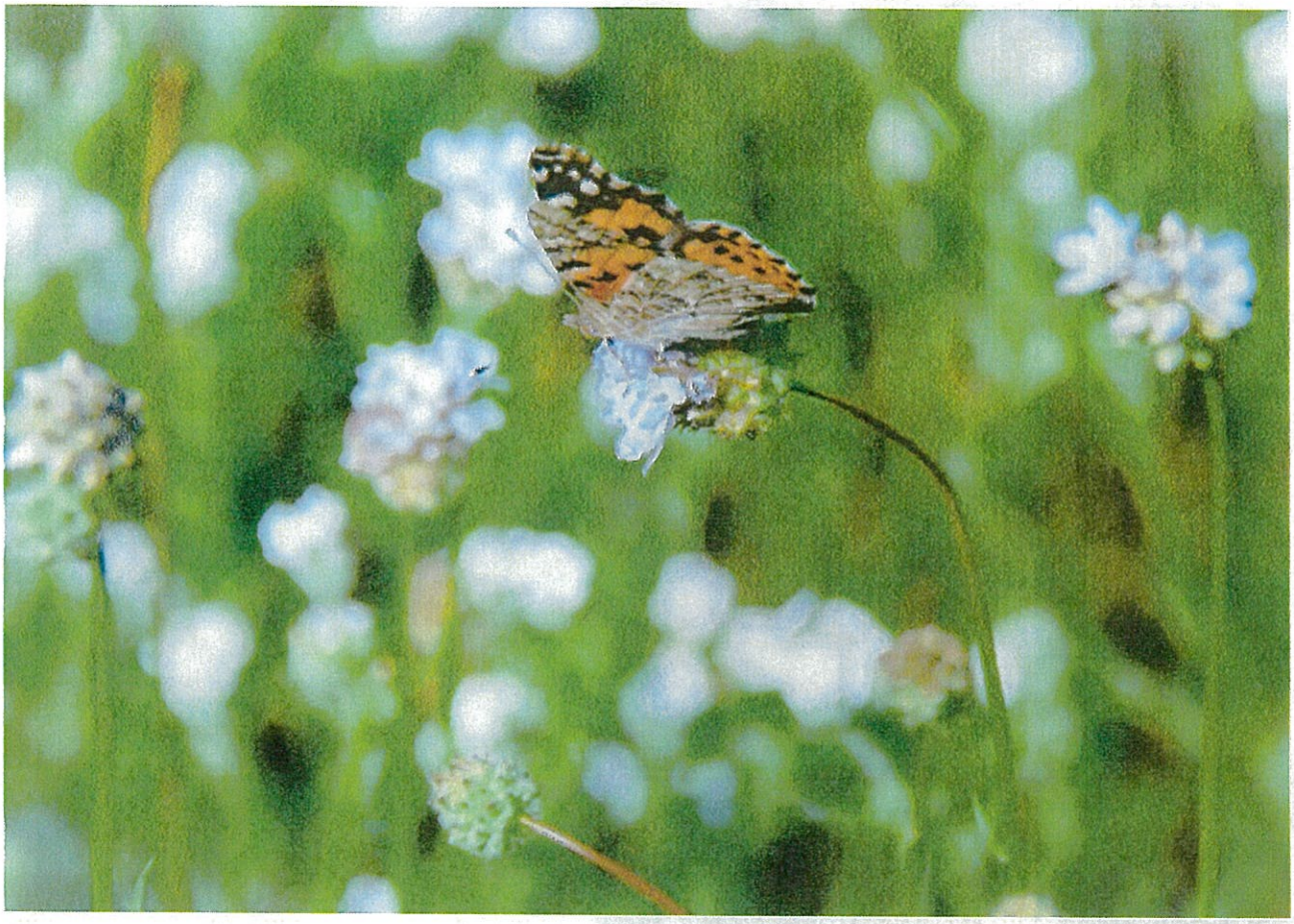
I am a nature photographer, blessed to live in such a pristine environment. The following are shots I've taken from the Backbone Trail or directly from the pads

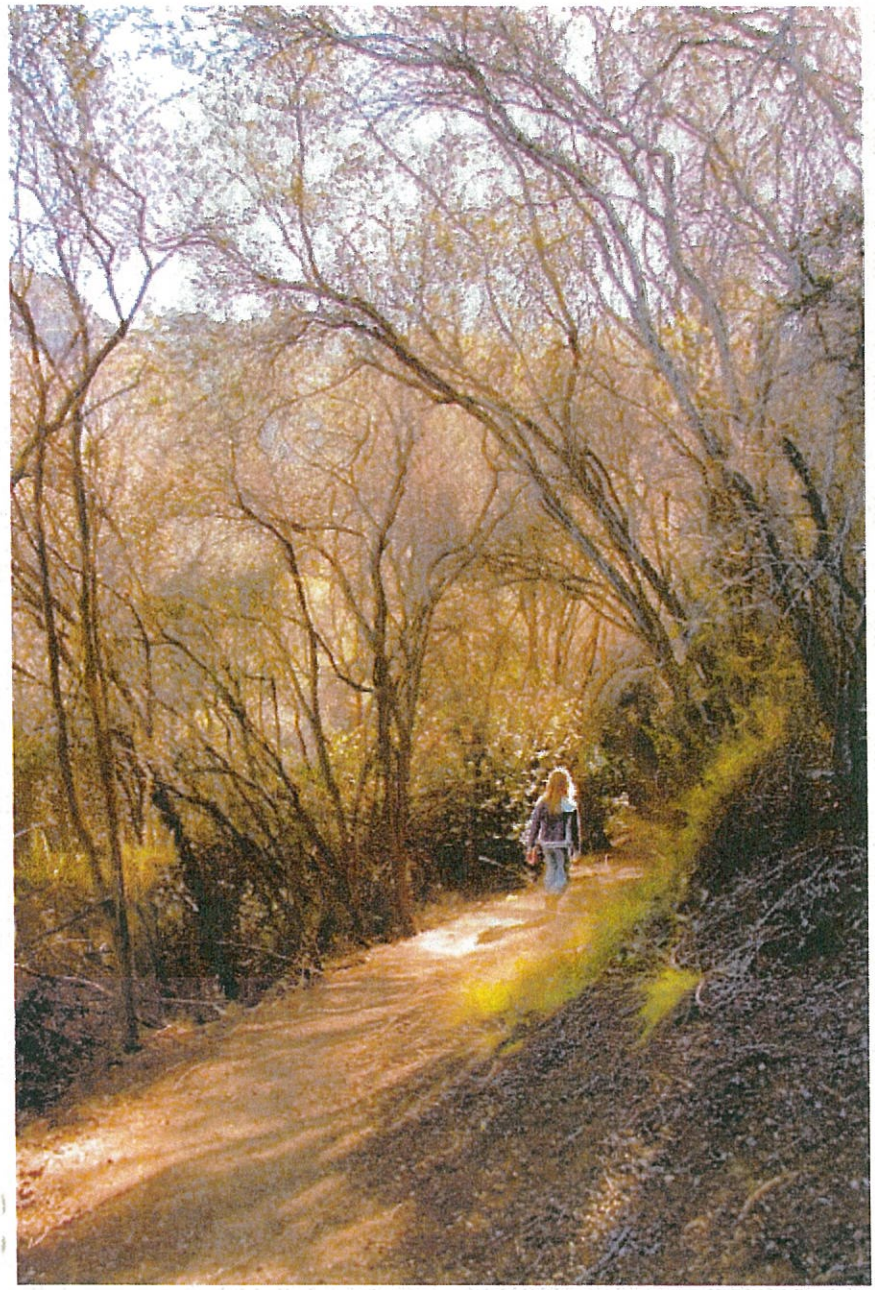
themselves. Please do what you can to preserve this glorious parcel for future generations to enjoy.

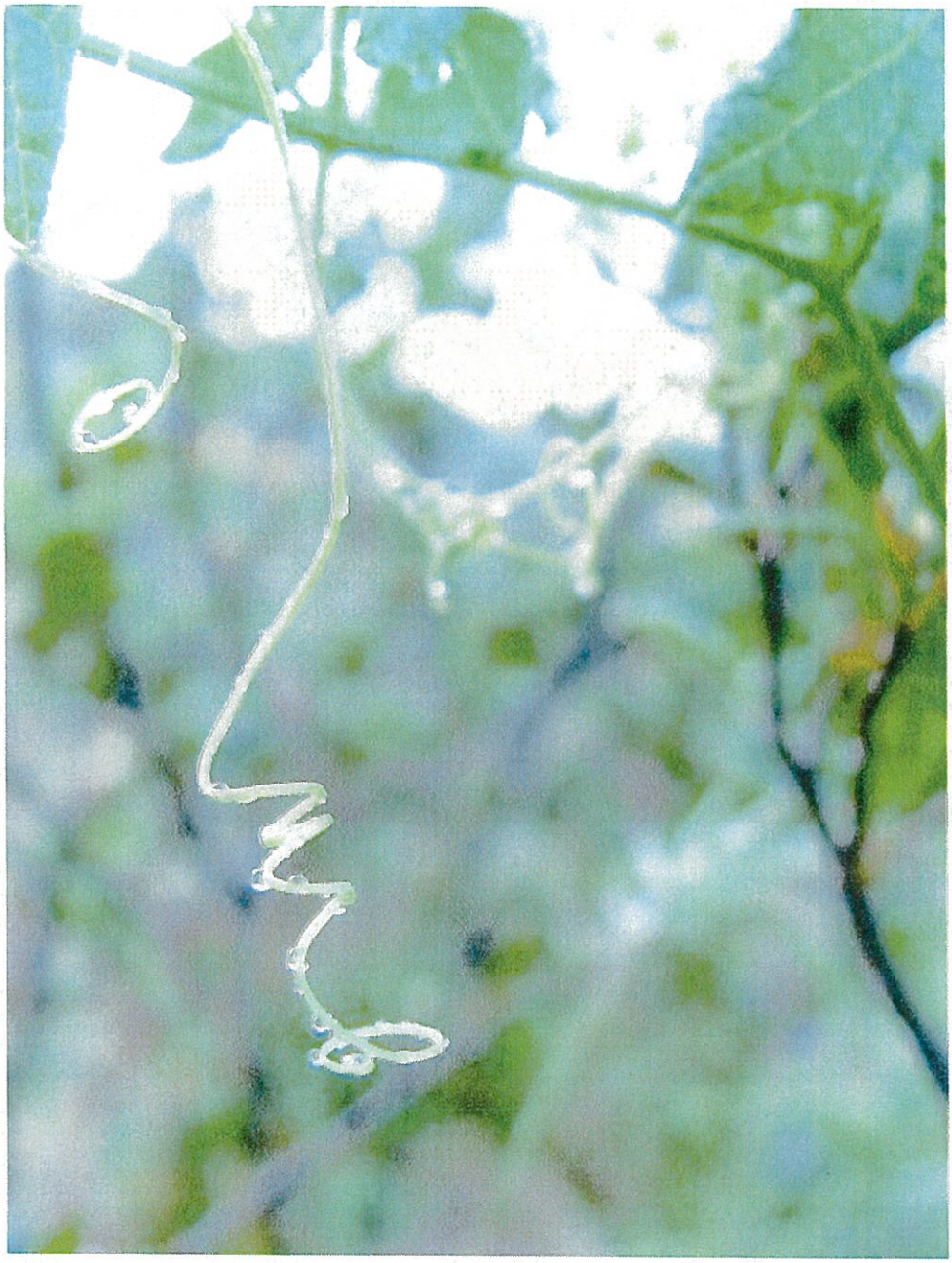
Sincerely, Carol LaCorte - 14 year Monte Nido resident
886 Camino Colibri
Monte Nido, CA. 91302











Rudy Silvas

From: Gary Wooller [gary@sos.to]
Sent: Monday, April 06, 2015 3:30 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND
Attachments: Exhibit A. .pdf; EXHIBIT B, C, D.pdf

Dear Rosie,

Please forward a copy of my comments below and attachments to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

Re: Project No. R2012-02436 to 02440 and R2013-03620 to03620-(3)
Environmental Assessment Case No. 201200258
Item 9 on the April 8, 2015 Agenda

Dear Planning Commissioners,

This development is in a very High Fire Hazard Severity Zone, and therefore requires fuel modification up to 200 feet from all structures.
The development backs up to public land and the required fuel modification encroaches well into that public space. Sensitive environmental habitat will be seriously impacted. The mitigated negative declaration that the County planning director approved did not take into account the fuel modification required, as it was not adequately indicated on the plans submitted by the developer. The plans only showed the impact only to the property line, and not beyond, and since most of these houses were designed to sit close to the property line, only a fraction of the true impact of brush clearance is shown.
The actual impact is approximately 900 x 1,800 feet of required clearance/modification.

Three zones are indicated in the county fuel modification guidelines.
Zone A: 20 feet, and up to 50 feet from the structures, properly maintained and irrigated.
Zone B: From Zone A, up to 100 feet from structures. This area may have some native vegetation if spaced and thinned according to the guidelines.
Zone C: Is the native brush thinning zone and extends 200 feet from structures.
It consists of native plants with proper thinning and spacing, and the removal and thinning of species constituting a high fire risk. (Laurel Sumac, Chamise, Ceanothus, Sage, Sagebrush, Buckwheat and California Juniper) then removing the lower third of all remaining shrubs and removal of all deadwood and cutting off the lower branches from trees up to 6 feet above bare earth.
The spacing for existing trees is 30 feet between the edges of the canopies, and existing shrubs, and shrubs removed to give 15 feet between the canopies. It appears that this will require removal of approximately three quarters of the plant material.

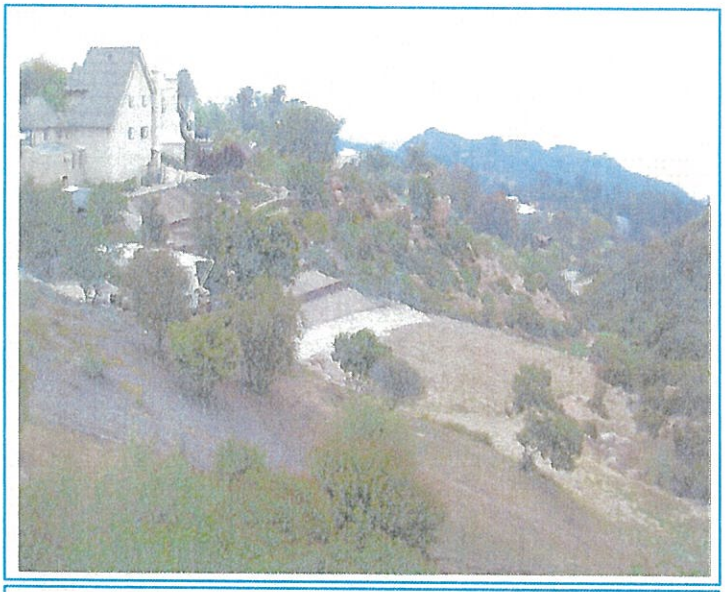
So what we have here is a natural resource, and the most famous trail in the Santa Monica Mountains being severely impacted by a subdivision. Vegetation degradation, habitat loss and the impact of erosion and soil runoff from the cleared slopes beyond the property lines of the development. The future homeowners will be required to constantly clear and maintain the defensible space under instruction from annual inspection from the Fire Department and often as a requirement to get insurance on their houses.
I've included some pictures from the fuel modification plan guidelines showing the type of impact that this clearance will have.
Exhibit A: Site map showing the development.
Exhibit B, C and D: Images taken from the County of Los Angeles Fuel Modification Plan Guidelines Hand book.

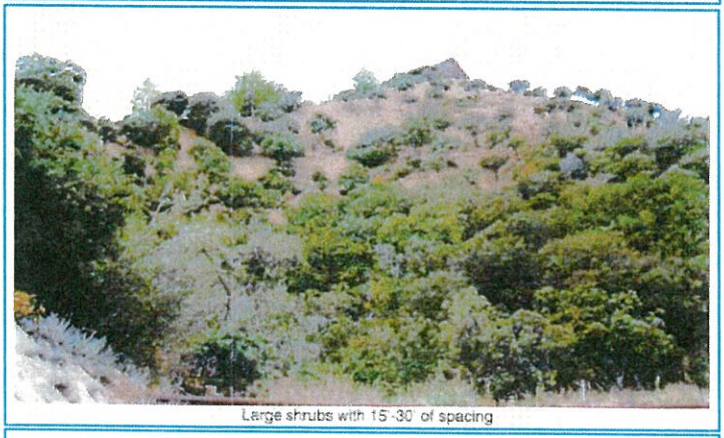
The full environmental impact needs to be looked at PRIOR to approval, NOT to be figured out after the project has begun.
Without full disclosure of the fire clearance zones, determination of the damage to the resource and the mitigation required cannot be made. A final fuel modification plan must be approved before approval of the plan "in concept". Apparently the 200 foot native brush thinning zone was not indicated on the plans and therefore not addressed. Due to the high flammability and sensitivity of the surrounding habitat and the significant negative effect on the use of the public land and trails the fuel modification needs to be analyzed and appropriate mitigation measures required before approving the Mitigated Negative Declaration. If that analysis shows that the impacts of that much brush clearance cannot be mitigated to level of insignificance, the county should have required a full EIR. For this reason, the MNVCA appeal should be granted.

Sincerely,

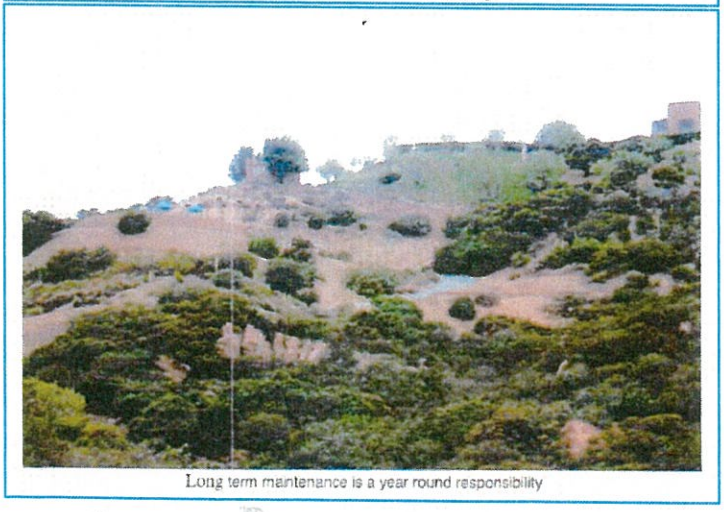
Gary Wooller
Monte Nido Resident
949 Crater Oak Drive,
Calabasas, CA 91302

EXHIBIT B,C,D. Images taken from the Fuel Modification Plan Guidelines (County of Los Angeles fire Department)

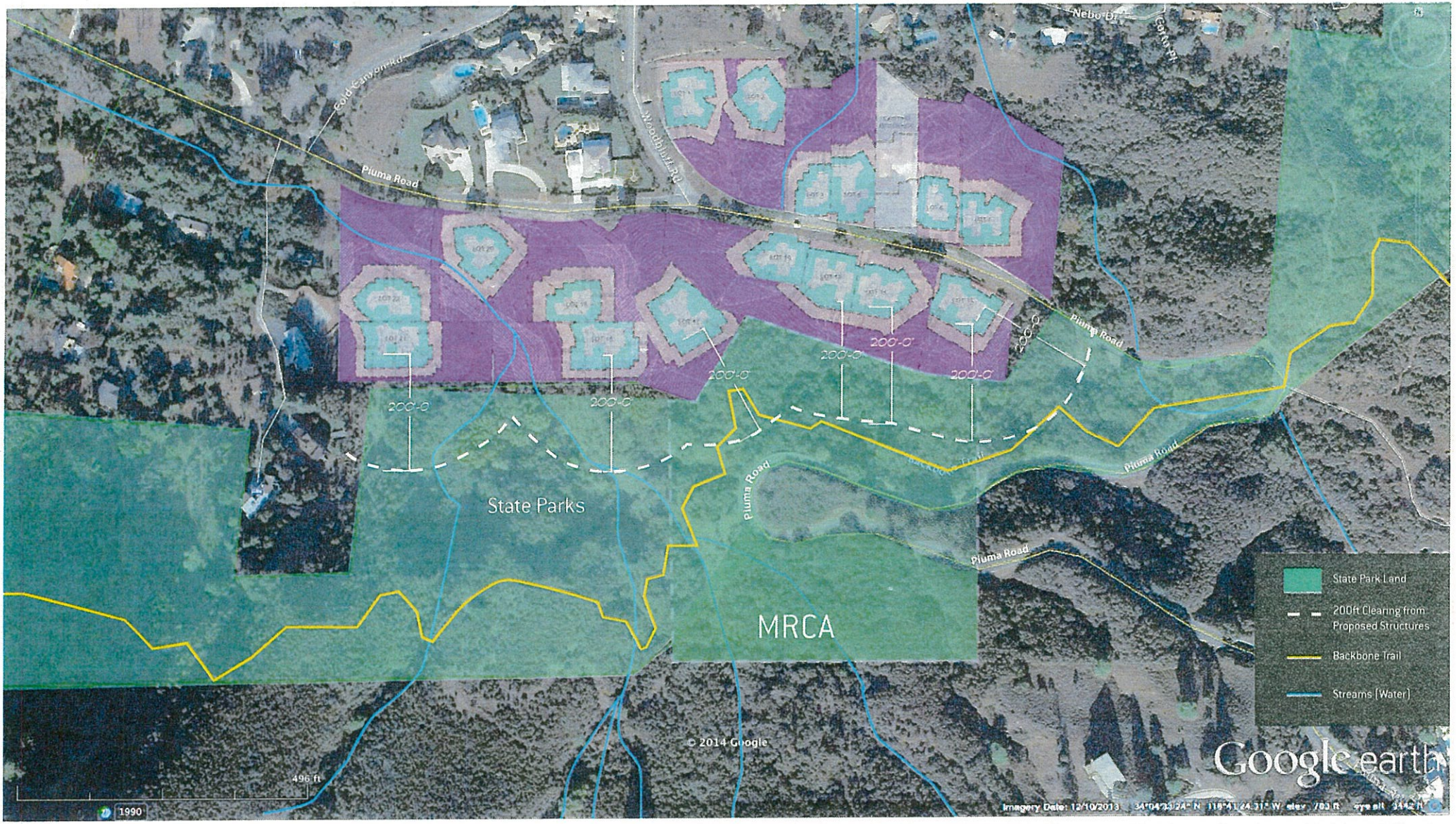




Large shrubs with 15'-30' of spacing



Long term maintenance is a year round responsibility



Nebo Dr
Corto Pl
Cold Canyon Rd
Woodbluff Rd
Piuma Road
Piuma Road
Piuma Road
Piuma Road
Piuma Road
200'-0"
200'-0"
200'-0"
200'-0"
200'-0"
200'-0"
State Parks
MRCA
State Park Land
200ft Clearing from Proposed Structures
Backbone Trail
Streams (Water)
© 2014 Google
Google earth
496 ft
1990
Imagery Date: 12/10/2013

Dana Endicott, Ph.D.
A psychological corporation
Diplomate of the American Board of Pediatric Neuropsychology
Diplomate of the American Board of Professional Neuropsychology

April 2, 2105

Re: Project No. R2012-02436 to 02440 and R2013-03620 to 03620-(3).
Environmental Assessment Case No. 201200258
Item 9 on the April 8, 2015 Agenda

I am a resident of Monte Nido and I strongly endorse your staff's recommendation to invalidate the earlier Approvals in Concept for this project. Those earlier Approvals in Concept were given prior to the California Coastal Commission's certification of the Santa Monica Mountains Local Coastal Program (LCP) and were not Coastal Development Permits. Now that the Coastal Commission has certified the new LCP for this area, it is the County's obligation to issue Coastal Development Permits and those permits can only be granted after the County has made sure that the proposed development complies with all of the requirements of the LCP.

As you know, the process of getting an LCP certified for the unincorporated County area of the Santa Monica Mountains took decades, and even after the County of Los Angeles approved the Land Use Plan and Local Implementation Plan components of the LCP, it took months before the Coastal Commission officially certified the full LCP. The property along Piuma Road that is the subject of Vintage Pacific's development proposal has also had a long history with different developers attempting different developments. Vintage Pacific was well aware of the pending LCP and had plenty of opportunity to complete Coastal Development Permit applications and submit them to the Coastal Commission to ensure that the project would be evaluated on the basis of the old rules found in the 1986 Land Use Plan. Vintage Pacific chose not to do that. Therefore, your staff is correct that the developer now needs to submit plans to the County that are consistent with the new LCP rules.

Sincerely,

18321 Ventura Blvd., Suite 510
Tarzana, CA 91356
Neuropsychological Assessment
Consultation
Phone 818 705-4305 Fax 818 705-4307

Rudy Silvas

From: Angelique Pitney [alp22@me.com]
Sent: Monday, April 06, 2015 8:10 PM
To: Rosie Ruiz
Cc: Rudy Silvas

Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT **– Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**

OPPOSE **– Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Angelique Pitney
25731 Dark Creek Rd
Monte Nido, Ca 91302

Rudy Silvas

From: Peta Goldsmith [petawgoldsmith@gmail.com]
Sent: Monday, April 06, 2015 8:09 PM
To: Rosie Ruiz; Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz,

Please forward a copy of my comments below to all LA County Regional Planning Commissioners. Thank you.

TO WHOM IT MAY CONCERN:

As a 23 year resident of Monte Nido, I urge you to adopt your staff's recommendation to invalidate the Regional Planning Director's Approvals in Concept of 13 plot plans for large residences along Piuma Road.

These proposed houses are in clear violation of many of the provisions of the new LCP that was approved by the County and then certified by the California Coastal Commission. Furthermore, this type of development is completely antithetical to the protection of resources in the Santa Monica Mountains and is completely incompatible with the rural character of the community of Monte Nido. I have raised four children in this community in a 1700 square foot home and I am fully aware of the value of protecting this area for future generations to enjoy. There are many places in Southern California where these kinds of houses would be very welcome and would be entirely consistent with the nature of the surrounding community. Monte Nido and the surrounding Santa Monica Mountains are not such places.

Monte Nido is a rural community with houses tucked into the natural topography. The plot plans that received approvals in concept are very large homes in comparison to the majority of homes in Monte Nido. They average over 4500 square feet with additional large garages. Some of them are as high as three story structures. Many of these houses are sited with the minimal setbacks between the houses. These suburban-style McMansions are incompatible with Monte Nido and the Malibu Creek watershed of the Santa Monica Mountains.

Again, please accept your staff's recommendation to invalidate the Regional Planning Director's Approvals in Concept of the 13 plot plans on Piuma.

Thank you.

Sincerely,

Peta Goldsmith

Peta Goldsmith
Educational Consultant
25620 Loree Way
Calabasas, CA 91302
T: 818 222 1983

Rudy Silvas

From: Susan Bischoff [montenido@aol.com]
Sent: Monday, April 06, 2015 7:34 PM
To: Rosie Ruiz; Rudy Silvas
Subject: CORRECTED NUMBERING

1. **CUT AND PASTE** the copy below (or write your own) and put in a separate email

SUBJECT: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz:
Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**
OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,
We SUPPORT the LCP and the staff's recommendation that the Vintage Pacific 16 home development tract proposed project be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

We also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16-home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail, which I personally hike on every weekend.

Sincerely,

Susan Bischoff
975 Crater Camp Drive

Calabasas, CA 91302

--
Jill Reiss
mnvcanewsletter.com

Rudy Silvas

From: Doug Dilg [dougdilg@gmail.com]
Sent: Monday, April 06, 2015 6:46 PM
To: Rosie Ruiz
Cc: Rudy Silvas

Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

To the Honorable Los Angeles County Planning Commissioners,

We strongly SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

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We do not understand how a project like this could even be considered. So much effort was put in to create the Backbone Trail, a truly unique creation in a city the size of LA. To have this development butt directly up against the trail completely degrades the entire concept of the trail. A "jewel" of the Santa Monica Mountains should not skirt along McMansions more in keeping with the gated communities of Calabasas.

Sincerely,

Doug & Sookie Dilg
25681 Monte Nido Drive
Monte Nido, CA 91302

Rudy Silvas

From:	Kimberly Byron [kbgingi@aol.com]
Sent:	Monday, April 06, 2015 6:44 PM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.

OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

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Sincerely,

Kimberly A. Byron
601 Crater Camp Dr
Calabasas, CA 91302

Kimberly A. Byron
Headed For College

www.headedforcollege.com
kbyron@headedforcollege.com
kbgingi@gmail.com
(310) 503-7997 cell
(818) 996-9640 - office messages
5535 Balboa Blvd., Suite 217
Encino, CA 91316

Rudy Silvas

From: Kirossage® Chiropractic Center [wellness@kirossage.com]
Sent: Monday, April 06, 2015 6:41 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: Oppose: PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

Dear Ms. Ruiz - <?xml:namespace prefix = "o" ns = "urn:schemas-microsoft-com:office:office" />

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**

OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable <?xml:namespace prefix = "st1" ns = "urn:schemas-microsoft-com:office:smarttags" />Los AngelesCounty Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Maria Ioan

25659 Whittemore Dr

Calabasas, CA91302

Rudy Silvas

From: Deborah Capogrosso-Roth [capoprod@earthlink.net]
Sent: Monday, April 06, 2015 6:26 PM
To: Rosie Ruiz
Cc: Rudy Silvas

Subject: Agenda ITEM 9 Project No R 2012-02436 To 02440 and R 2013-03620 To 03630- (3) Enviornmental Assessment Case No. 201200258

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT **– Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**

OPPOSE **– Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our

sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the views, particularly from the renowned Backbone Trail.

Sincerely,

Deborah Capogrosso-Roth

Roth & Associates
Commercial Real Estate Services

Deborah Capogrosso-Roth
Brokers Lic. 00481289
888 Crater Oak Drive
Malibu Canyon, CA 91302

Direct Dial: 818-222-5705
Mobile: 310- 871-5658
Fax: 818-222-5835
E-Mail: capoprod@earthlink.net

DAVID AND SHARON PEVSNER
823 THORNHILL ROAD
MONTE NIDO, CALIFORNIA 91302-2161

April 6, 2015

Los Angeles County Regional Planning Commission
26600 Agoura Road
Calabasas, California, 91302

RE: Project No. R2012-02436 to 02440 and R2013-03620 to 03620-(3)
Environmental Assessment Case No. 201200258
Item 9 on the April 8, 2015 Agenda "Vintage Pacific"

Dear Commissioners:

We are residents of Monte Nido and strongly endorse your staff's recommendation to invalidate the County Planning Director's Approvals in Concept for the above captioned project. We also strongly disagree with your staff's recommendation to deny the appeal of the Planning Director's approval of the Mitigated Negative Declaration that accompanied the Approvals in Concept.

As the staff has noted, the County's earlier actions regarding this project were based on the 1986 Land Use Plan, which has been superseded by the new Santa Monica Mountains Local Coastal Program (LCP). The new LCP was certified by the California Coastal Commission on October 10, 2014 and now governs the area. Prior to the LCP certification, the County had jurisdiction to grant only approvals in concept while the Coastal Commission had the sole authority to grant Coastal Development Permits. Now that the LCP is in place it is the County's obligation to consider applications for Coastal Development Permits, which may be granted only if the proposed development is consistent with the specific provisions of the Local Coastal Program currently in force.

As you know, the process of getting an LCP certified for the unincorporated County area of the Santa Monica Mountains took decades. Even after the County of Los Angeles approved the Land Use Plan and Local Implementation Plan components of the LCP, it took months before the Coastal Commission officially certified the full LCP. The property along Piuma Road that is the subject of Vintage Pacific's development proposal has also had a long history with different developers attempting different developments. Vintage Pacific was well aware of the pending LCP and had ample opportunity to complete Coastal Development Permit applications and submit them to the Coastal Commission to ensure that the project would be evaluated on the basis of the old rules found in the 1986 Land Use Plan. Vintage Pacific chose not to do that. Therefore, your staff is correct that the developer now needs to submit plans to the County that are consistent with the new LCP rules.

As your staff has reported, the plot plans approved by the Planning Director do not comply with some of the rules of the new LCP. Therefore, the developer needs to re-design the project to comply with those new rules. The Director's approval of the Mitigated Negative Declaration must be invalidated for the same reason. The California Environmental Quality Act (CEQA) requires an accurate Project Description. If all interested parties are to have detailed information about the effects a proposed is likely to have on the environment, as required under CEQA, then such evaluations must be based on a project as it is currently proposed, not how it might have been at one point. Since the staff has correctly identified that that the project description has to change to comply with the new LCP rules, then by definition any environmental impact document must be revised to accurately reflect the new project.

While it may be tempting to assume that the new LCP requirements will mean fewer or largely insignificant impacts, CEQA doesn't allow for such speculation. Nor are changes required to conform with the LCP likely to be trivial. For example, the developer previously entered into a contingent agreement with the County that would have required the developer to donate 5 of the lots in the subdivision as permanent open space if the developer was given the development rights he sought. Now that the developer has to redesign his project he has no obligation to donate those lots. It is likely that he will submit applications for development of those lots along with the other lots. Clearly the development of those ungraded lots will have different (and more intense) impacts than the impacts associated with a project that was going to keep those lots undeveloped. Since this project is likely to change significantly in order to comply with the LCP, the approval of the Mitigated Negative Declaration must be set aside so that the reworked project can be properly considered.

This project is precisely why all of the various stakeholders worked so hard for so many years to craft a precise, workable, and effective Local Coastal Program that removed jurisdiction over the fate of the Santa Monicas from Sacramento, and restored local control. We believe that these mountains should be protected for all of the residents of the County by requiring development consistent with the Santa Monica Mountains Local Coastal Program. We strongly urge you to invalidate both the Approvals in Concept and the approval of the Mitigated Negative Declaration, and require the developer to comply with regulations currently in force.

Sincerely yours,

DAVID N. PEVSNER

SHARON E. PEVSNER

Josephine Powe
801 Malibu Meadows Drive
Calabasas, CA 91302
(818) 591-6749

April 7, 2015

RE: APRIL 8, 2015 HEARING, AGENDA ITEM 9
PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

Dear Regional Planning Commissioners:

I am a long-time resident of Monte Nido and for years worked closely with former Supervisor Zev Yaroslavsky's Office and the Planning staff to ensure that the LCP for the Santa Monica Mountains would protect the most sensitive habitat areas for generations to come. The above-referenced Project is in direct conflict with many of the important protections in that LCP. Therefore, I urge you to invalidate the Approvals in Concept for that development.

I also urge you to invalidate the MND that accompanied those Approvals in Concept.

The Approvals in Concept Should be Invalidated

As you know, the Regional Planning Director issued 13 Approvals in Concept prior to the California Coastal Commission's certification of the new LCP. Now that the Coastal Commission has certified the LCP and transferred Coastal Development Permitting jurisdiction to the County, those Approvals in Concept are invalid. Your staff is correct that Vintage Pacific must now submit new plans that are consistent with the LCP.

The developer disagrees and insists that the new LCP does not apply to his project. Apparently he believes that a combination of the 1983 Coastal Development Permit (CDP) for the subdivision of the property and the May 1, 2013 County Board of Supervisors approval of a contingent agreement regarding the development, shields him from applicability of the new LCP. He is wrong.

The 1983 CDP gave the previous developer approval to divide the property into 22 approximately one-acre lots. But no plans were submitted for the individual lots and the Coastal Commission made very clear that the developer would have to return to the Commission for CDPs for each individual lot. Since 1983, the

developer sold one of the lots to a private party who in turn applied for and received a CDP for a single-family residence. That house has been built. Vintage Pacific bought the remaining 21 lots.

In 2013, Vintage Pacific negotiated with the County to get out of certain obligations of the 1983 CDP that Vintage Pacific felt were too onerous with regard to the development of 5 of the lots. These 5 lots have never been graded, are in the middle of the most sensitive habitat area, and are very close to the Backbone Trail. Those negotiations resulted in a contingent agreement between the County and Vintage Pacific whereby Vintage Pacific would donate the 5 lots to Mountains Recreation & Conservation Authority (MRCA) or State Parks but only if Vintage Pacific received the requested level of development rights for the remaining 16 lots.

Although this agreement is labeled a "Development Agreement" it is not a valid Development Agreement since it was only between the County and the developer. A Development Agreement in the Coastal Zone where there is not a certified LCP is invalid unless the Coastal Commission approves the development by formal commission action. [Government Code Section 65869.5.] In May 2013 there was no certified LCP for the Santa Monica Mountains and Vintage Pacific never received Coastal Commission approval of the development.

So neither the 1983 CDP for a tract map subdivision nor the 2013 agreement with the County gave Vintage Pacific a right to develop this property in any particular manner. Only the Coastal Commission could have given him that right prior to the certification of the LCP. Now that the LCP is certified, he, like other property owners in this part of the Coastal Zone who had not completed a Coastal Development Permit application, must comply with the new requirements of the LCP.

The Mitigated Negative Declaration Should Also be Invalidated

Once you invalidate the Approvals in Concept you must invalidate the MND. Every project subject to the California Environmental Quality Act (CEQA) must start with an adequate Project Description. If you invalidate Vintage Pacific's Project, then by definition the environmental document accompanying that Project is void.

It may be tempting to assume that a newly designed Project that complies with the new LCP would have no greater environmental impacts than the old Project but that is not a valid assumption under CEQA. And it is particularly not likely in this case because of the 5 ungraded lots. Any re-design of this development is likely to include development on those five lots. As I stated earlier, the County's May 1, 2013 Agreement with Vintage Pacific was a contingent agreement. Once you invalidate the Approvals in Concept and direct Vintage Pacific to submit plans that are consistent with the LCP, Vintage Pacific has no obligation to

donate those 5 lots to permanent open space. The MND of course never analyzed any impacts associated with any development on those lots because the Project did not include any development on those lots. Clearly any development on those pristine lots would require environmental review. In addition, you have no idea what Vintage Pacific might propose for its re-design. It is conceivable that there could be new designs that have different environmental impacts than the ones that were analyzed in the MND.

Moreover, the MND failed to adequately describe the impacts of the development Vintage Pacific proposed and failed to adequately mitigate the impacts it did disclose. As detailed in the June 24, 2014 comment letter from the State Department of Fish & Wildlife and the July 24, 2014 comment letter from the Monte Nido Valley Community Association, there were many inadequacies in the MND. Two of the most glaring problems relate to the MND's inadequate discussion of fuel modification impacts and the MND's silence on the impacts associated with the development's proximity to sensitive environmental habitat areas.

The Initial Study failed to even discuss impacts of any fuel modification that might be required beyond the property lines of each lot. The County Fire Department's Fuel Modification Guidelines state very clearly that each property owner in the high fire risk zones must clear brush up to 200 feet from every structure. If your house is less than 200 feet from your property line (as many houses are) you must coordinate with the adjacent property owner to make sure that an adequate brush clearance has been accomplished. For some reason, the Initial Study ignored this requirement and only looked at the impacts of fuel modification to the property line. In many cases that meant that more than 75-100 feet of brush clearance was ignored. And this brush clearance for most of the lots in this development would actually encroach heavily into State Parkland or MRCA land. For at least 3 of the 16 lots, a 200-foot brush clearance would actually cross the Backbone Trail. The MND did not even discuss these potential impacts, much less offer any mitigation measures that could lessen the severe negative impacts to scenic and biological resources.

Similarly, the Initial Study failed to adequately disclose the clear negative impacts associated with building houses as close as 50 feet from sensitive habitat areas. The Initial Study acknowledges that these houses will be closer to sensitive habitat area than was allowed under the 1986 Land Use Plan (the LCP is even stricter). It justifies allowing for the smaller setbacks on the basis of the 1983 CDP which specifically allowed the lots to be created in such a way that grading would be allowed as close as 50 feet from sensitive habitat areas. That prior CDP, however, does not obviate the need for the Initial Study to analyze the impacts of building these structures as shown in the plot plans that close to sensitive resource areas. If those impacts cannot be mitigated to a level of insignificance, then a full EIR is required.

Whether you agree that the invalidation of the approvals in concept voids the MND or you reach the merits of the MND, the result should be the same: the MND should be invalidated.

I respectfully urge you to invalidate the Approvals In Concept and invalidate the MND.

Sincerely,

Josephine Powe

Rudy Silvas

From: Gaelle Wizenberg [gaelle@charliebanana.com]
Sent: Tuesday, April 07, 2015 6:55 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.

OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Click here to Reply or Forward

Jill Reiss

Best Regards,

Gaëlle Wizenberg
876 Crater oak Drive
Calabasas, Ca, 91302

| Charlie Banana | M USA. [redacted] | www.charliebananausa.com | Facebook.com/lovecharliebanana | SKYPE. Gallou58 |

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Rudy Silvas

From: Doug Rosen [dougrosen@charter.net]
Sent: Tuesday, April 07, 2015 10:54 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.

OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I, Douglas Rosen a long time resident of Monte Nido SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail. From almost every view point in the area this development will join the 6 Rasmussen subdivision homes in bringing the worst elements of urban sprawl development to what was heretofor a place where homes were respectfully built in consideration of the native habitat not as a

Sincerely,

Douglas Rosen

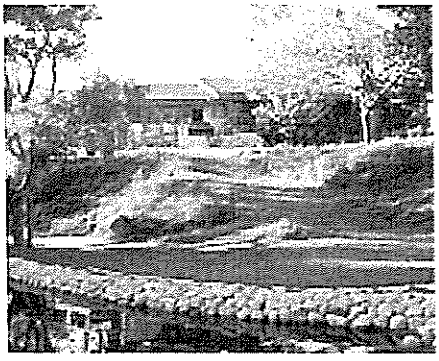
479 Cold Canyon Rd

MonteNido CA 91302

The Compound @ Pheasant Hill
A Place for Provocative Thought & Creative Action

Douglas Rosen
Host

Tel: 310 600-6893
dougrosen@charter.net
479 Cold Canyon Rd Monte Nido, CA 91302



Rudy Silvas

From: Chris Kelly [ckelly1100@gmail.com]
Sent: Tuesday, April 07, 2015 8:47 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: Agenda Item 9 - Vintage Pacific 16 development

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

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OPPOSE – **Validation of MND. Require New Environmental Review.**

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Sincerely,

Chris Kelly

25607 Buckhorn Dr.
Monte Nido, CA 91302

Rudy Silvas

From: david coronella [davidcoronella@gmail.com]
Sent: Tuesday, April 07, 2015 2:39 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

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AGENDA ITEM 9

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Sincerely,

David Coronella
25768 Piuma Road
Monte Nido, CA 91302

Rudy Silvas

From: shannon ggem [shannonggem@gmail.com]
Sent: Tuesday, April 07, 2015 2:29 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

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Monte Nido's rural character is it's draw and it's identity. A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and

finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Shannon Ggem
2060 E Lakeshore Dr
Agoura, CA 91301

Rudy Silvas

From:	Mary Ellen Strote [mestrote@gmail.com]
Sent:	Tuesday, April 07, 2015 12:55 PM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	Agenda Item 9 - Support compliance with LCP/Oppose inadequate NMD

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

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Sincerely,

Mary Ellen Strote, board member, Cold Creek Community Council; board member, Resource Conservation District of the Santa Monica Mountains

475 Stunt Road

Calabasas, CA 91302

Rudy Silvas

From: Basil Beshkov [basilbeshkov@gmail.com]
Sent: Tuesday, April 07, 2015 3:05 PM
To: Rosie Ruiz; Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing onApril 8, 2015. Thank you.

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spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Basil Beshkov

Rudy Silvas

From:	Mark Marshall [mark@mlxv.com]
Sent:	Tuesday, April 07, 2015 4:21 PM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

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Sincerely,

Mark Marshall
707 Crater Oak Dr.
Monte Nido, CA 91302

Rudy Silvas

From: kenneth mazur [kenmazur@earthlink.net]
Sent: Monday, April 06, 2015 11:33 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: Agenda Item 9

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

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Sincerely,

Ken Mazur
Topanga Citizen and Santa Monica Mts resident.

Rudy Silvas

From: Dianne Gubin [dianne@diannegubin.com]
Sent: Monday, April 06, 2015 10:50 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. **Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015.** Thank you.

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Sincerely,

Dianne Gubin

Dianne Gubin
23703 Summit Drive
Calabasas, CA 91302
818-591-1888

Dianne Gubin
818- 222-0300

Rudy Silvas

From:	Toby [toby@finecut.com]
Sent:	Monday, April 06, 2015 10:25 AM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

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Respectfully submitted,

Toby Keeler
Old Topanga Homeowners, Inc
Board Member

Rudy Silvas

From: Barry Kaplan [ekginc@earthlink.net]
Sent: Monday, April 06, 2015 9:27 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

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Sincerely,

Barry Kaplan

Rudy Silvas

From: Julie Rosendo [julie@travelscope.net]
Sent: Monday, April 06, 2015 9:25 AM
To: Rudy Silvas; Rosie Ruiz
Subject: Agenda Item 9

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

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Sincerely,

Julie Rosendo

Julie Rosendo | Executive Producer/Producer
Joseph Rosendo's Travelscope | Epic Adventures | Digging Into the Future
Office 310-455-7164 | Cell 310-482-1052
PO Box 519 | Topanga, CA 90290
www.Travelscope.net | www.epic-adventures.tv
Four National Emmys! | 29 Telly Awards!

Rudy Silvas

From: Arlene Bernholtz [arlenebernholtz@yahoo.com]
Sent: Monday, April 06, 2015 4:35 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

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Sincerely,

Arlene E. Bernholtz

P.O.Box 8008

Calabasas, CA 91372

310-850-8508 (cell)

Rudy Silvas

From: Jody Thomas [jodyhthomas@gmail.com]
Sent: Sunday, April 05, 2015 11:31 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

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PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

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Sincerely,

Jody Thomas
President, Old Topanga Homeowners, Inc.

Sent from my iPad

Rudy Silvas

From: Paul Goldsmith [paulgoldsmithasc@gmail.com]
Sent: Sunday, April 05, 2015 6:35 PM
To: Rudy Silvas
Subject: Re: Project No. R2012-02436 to 02440 and R2013-03620 to 03620-(3). Environmental Assessment Case No. 201200258 Item 9 on the April 8, 2015 Agenda

Biological Resources

The project area in question is an extraordinarily beautiful mountain area set within the National Recreation Area of the Santa Monica Mountains. These mountains are home to bobcats, coyotes, deer red-tailed hawks, Coopers hawks, and mountain lions. The area hosts one of the highest concentrations of rare species in the United States. And that's why it's so important to protect it.

Your staff is telling you that you should deny the appeal of the Director's approval of the Mitigated Negative Declaration. I strongly disagree and urge you to grant the appeal. That MND did not adequately disclose the full impacts of this development on the important biological resources in the area and the consequence of not adequately disclosing those impacts is the potential to destroy more of the critically important habitats we have here.

In particular, the MND only looked at fuel modification up to each property line when it should have looked at the full 200-foot brush clearance from each structure. Once you go out 200 feet from most of these proposed houses, you see that there is significantly more impact to the chaparral and the oak woodlands than the MND disclosed. Fuel modification requires the removal or thinning of vegetation, which in turn has a direct impact on the function of the habitat. By limiting the discussion of the impacts from fuel modification to the confines of each property, the MND failed to even look at the impacts that will be associated with hundreds of additional feet of clearance into State Parkland. In addition, the MND failed to adequately discuss the potential adverse impacts from lighting, noise, human activity, exotic plants, and drainage. All of these will clearly have a large impact on the coastal resources in Monte Nido.

The project area is criss-crossed by streams and tributaries that eventually spill into Malibu Creek. The MND is particularly weak in describing the potential impacts to the critical stream and riparian resources, particularly with regard to the potential for significant increased erosion and sedimentation in streams during construction and the potential for increased polluted runoff from human activity once the residences are inhabited.

The MND didn't even try to analyze the impacts of these enormous houses being set so close to State Parkland. An adequate environmental review is needed.

I urge you to invalidate the MND along with your invalidation of the approvals in concept. Please help us make sure that we do everything we can to protect what's left of this extraordinary resource.

Once these lands are "developed" they will never be returned to nature. On the other hand, if it turns out that someday we must build more houses, then that can always be done at a later date.

We need to save what we can for future generations.

Regards, Paul

Paul Goldsmith ASC
25620 Loree Way
Calabasas, CA 91302
818) 903-0077
paulgoldsmithasc@gmail.com
paulgoldsmithasc.com

Rudy Silvas

From: Jess Thomas [fixequip@yahoo.com]
Sent: Sunday, April 05, 2015 8:27 PM
To: Rosie Ruiz
Cc: Rudy Silvas

Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

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Sincerely,

Jess Thomas

President: Old Agoura Homeowners Association

Chair: Coalition To Save Chesebro Meadow Wildlife Corridor

6064 Chesebro Road, Agoura Hills, CA, 91301

Rudy Silvas

From:	Susan Ellis [srellis8@gmail.com]
Sent:	Sunday, April 05, 2015 9:00 PM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

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I OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Susan R. Ellis

26329 W Plata Lane

Calabasas, CA 91302

Rudy Silvas

From:	Jae Flo [jfloatz@verizon.net]
Sent:	Sunday, April 05, 2015 9:12 PM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**

OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Jeff and Jae Katz

23823 PCH
Malibu, CA 90265

Stephanie L. Abronson
Pony Cross Farm
543 Cold Canyon Road
Monte Nido, CA 91302
(818) 222-7669 – stephanie@abronson.com

April 7, 2015

Dear Ms. Ruiz,

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**

OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

As a 40 year resident of Monte Nido, please know that I *support* the LCP and the staff's recommendation that the Vintage Pacific 16 home development tract proposed project be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP), as required.

Moreover, I *oppose* the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts, and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources. Without doubt, it will change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and permanently tarnish the view-shed, particularly from the renowned Backbone Trail.

Sincerely,

Stephanie L. Abronson

Rudy Silvas

From: Toke Hoppenbrouwers [hoppenbrou@earthlink.net]
Sent: Monday, April 06, 2015 7:38 PM
To: Rudy Silvas
Cc: Jo Powe; peta goldsmith
Subject: Re: Project No. R2012-02436 to 02440 and R2013-03620 to 03620-(3). Environmental Assessment Case No. 201200258 Item 9 on the April 8, 2015 Agenda

Dear Mr. Silvas,

I am a resident of Monte Nido and I strongly endorse your staff's recommendation to invalidate the earlier Approvals in Concept for this project. Those earlier Approvals in Concept were given prior to the California Coastal Commission's certification of the Santa Monica Mountains Local Coastal Program (LCP) and were not Coastal Development Permits. Now that the Coastal Commission has certified the new LCP for this area, it is the County's obligation to issue Coastal Development Permits and those permits can only be granted after the County has made sure that the proposed development complies with all of the requirements of the LCP.

As you know, the process of getting an LCP certified for the unincorporated County area of the Santa Monica Mountains took decades, and even after the County of Los Angeles approved the Land Use Plan and Local Implementation Plan components of the LCP, it took months before the Coastal Commission officially certified the full LCP. The property along Piuma Road that is the subject of Vintage Pacific's development proposal has also had a long history with different developers attempting different developments. Vintage Pacific was well aware of the pending LCP and had plenty of opportunity to complete Coastal Development Permit applications and submit them to the Coastal Commission to ensure that the project would be evaluated on the basis of the old rules found in the 1986 Land Use Plan. Vintage Pacific chose not to do that. Therefore, your staff is correct that the developer now needs to submit plans to the County that are consistent with the new LCP rules.

Sincerely,

Dr. Toke Hoppenbrouwers

Clinical Professor Emeritus,

USC Keck School of Medicine

Los Angeles

818 222 5376

hoppenbrou@earthlink.net

Rudy Silvas

From: Christian Jacobsen [christian.jacobsen@mistresscreative.com]
Sent: Monday, April 06, 2015 6:57 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,
Christian Jacobsen
25733 Punto De Vista Drive
Monte Nido, CA 91302

This email may contain confidential information and is solely for the use of the intended recipient. Any review, distribution or disclosure by others other than the intended communication is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message from your system.

Rudy Silvas

From:	Lisa Lehman [lisaalehman@yahoo.com]
Sent:	Monday, April 06, 2015 7:05 PM
To:	Rosie Ruiz
Cc:	Rudy Silvas
Subject:	AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**
OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,
We SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.
We also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.
A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the view shed, particularly from the renowned Backbone Trail.

Sincerely,
Chuck & Lisa Lehman, 805 Malibu Meadows Drive, Monte Nido, CA 91302

Rudy Silvas

From: Stanley & Barbara Hee [sandbh@charter.net]
Sent: Monday, April 06, 2015 6:32 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of our comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.

OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

We SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

We also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Barbara and Stanley Hee
25774 Piuma Road
Calabasas, CA 91302

4-7-2015

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015.

AGENDA ITEM 9 : PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I am in SUPPORT of the LCP and the staff's recommendation that the Vintage Pacific 16 home development tract project be subject to and implemented under the Santa Monica Mountains Local Coastal Program (LCP) as required.

Additionally, I OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND) because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

My family moved to Monte Nido in 1974. We lived at 25820 Piuma Road, just next to the lots slated for development. I used to hike that mountainside before the Lower Backbone Trail was built. It was rich with life.

I used to find pollywogs in pools etched in the volcanic rock, fed by a spring at the heart of the hillside. There was a waterfall, moss-covered, with cliff ferns, maidenhair and dotted with chalk dudleya. Just beautiful. Oh, and the wildflowers – the wild peony, prickly phlox, fairy lanterns, mariposa lilies – and the rare chocolate lily. Have you ever seen one? I would find gopher snakes, gartersnakes, racers, and the beautiful red, white and black California mountain kingsnake. There were swifts and side blotched lizards, even Coast horned lizards, which are now a California Species of Special Concern. I used to find these creatures right where this development is proposed!

But now, the stream doesn't flow, even in Winter. The waterfall is no more. No pools, no pollywogs. The horned lizards are all but gone, as are the harvester ants they depended on. The lilies are scarce, and I haven't seen a mountain king in many, many years. These are indicator species – they all are, that something is not right.

I was lucky enough to grow up in this wonderful mountain nest and it has broken my heart to see this it destroyed over the last 40 years. Ruined because of overdevelopment.

Additional development along Piuma Road, in the buffer zone that shelters the parkland and Lower Backbone Trail from residences, will have a devastating impact on this fragile mountainside ecosystem.

A current study must be conducted, and it must consider impacts of climate change, increased trail use, it must consider recent aggressive trail maintenance – the cutting of century-old canopies of manzanita, buckbrush, and ceanothus. It needs to consider harm caused by homeless encampments and off-trail abusers, along with the impacts this proposed development will have. The study must not look back 10 or 20 years, but 40. This land has been allowed to be ruined. No more.

Sincerely,
Rebecca Dmytryk
Monte Nido Resident/Homeowner 1974 - 2007

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT **– Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**
OPPOSE **– Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I/we SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I/we also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,
Richard and Lois Love
25752 Punto De Vista,
Monte Nido, Ca 91302

Rudy Silvas

From: Diane Harrison [birdyharrison1@me.com]
Sent: Tuesday, April 07, 2015 10:01 AM
To: Rosie Ruiz
Cc: Rudy Silvas; Evan Harrison
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**
OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

We SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

We also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,
Diane Harrison and Evan Harrison 25715 Vista Verde Drive, Monte Nido, CA 91302

Date 3/6/2015

Brent Baltin
825 Crater Oak Dr.
Calabasas, CA 91302

Dear Honorable Los Angeles County Planning Commissioners

Reference: Vintage Properties Subdivision in Monte Nindo

AGENDA ITEM 9

My name is Brent Baltin and I'm a thirty-two year resident of Monte Nido.

I would like to express my dismay with the purposed Vintage Properties venture in Monte Nido. Monte Nido is a small area in Malibu Canyon nestled into the Santa Monica Mountains. Visitors to this unique area come here to be closer to this rural environment of mountains, streams, oaks, and wildlife. We, as a community have worked very hard as being proper stewards of this ecological unique and sensitive area.

The proposed 16 tracts of approximately 4,500 Sq. Ft. of dwelling with garages of an additional 1,600 Sq. Ft. will literally back up to the backbone trail. This purposed tract as designed will be the foremost view on most of the trails in this area and that will impact this area forever.

The New LCP which I and the community at large support will provide for the standards that is suppose to ensure to limit the impact of this ecological sensitive area for now and future generations. Therefore, I urge the Planning Commissioners to support the LCP as written and the recommendation that the purposed Vintage Pacific home development tract as written be rejected until the developer complies with standards set forth in the new LCP.

Sincerely,

Brent Baltin

Rudy Silvas

From: Beatriz Kerti [bkerti@me.com]
Sent: Tuesday, April 07, 2015 3:19 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

We SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

We also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

As a resident of Monte Nido, I strongly oppose this development. We moved here to get away from developments like these and to be close to nature and enjoy the hiking trails around us.

Sincerely,
BEatriz Kerti
Resident of Monte Nido
25768 Piuma Road
MOnte Nida, CA 91302

April 6, 2015

Ed Heywood
253 La Vista Grande
Santa Barbara, CA.
93103

Dear Honorable Los Angeles County Planning Commissioners

Re: Vintage Properties Subdivision in Monte Nido

AGENDA ITEM 9

I am 62 and a very frequent visitor for thirty-plus years to the great Monte Nido area between Malibu on the coast, and the city of Calabasas. I have very close friends of 40 years who are long time residents of Monte Nido and I visit and hike with them often in this area.

I have tremendously enjoyed my visits to Monte Nido as the rolling hills and canyons are beyond compare and the community here is beautiful, quiet and void of the daily rush and urban sprawl of the nearby cities. The environment here is beyond compare of any areas in the great state of California.

I am very surprised and disappointed to hear of the proposed 'Vintage Properties' venture in the hills of Monte Nido. The proposed 16 tracts of approximately 4,500 square feet of buildings (not including the expansive 1,600 square foot garages) will forever destroy the look of this great area. As an often hiker of the surrounding hills here I cannot imagine this unique serene area being scared with this huge development. Unfortunately, I can only assume it will be the start of turning this area into a very large bustling bedroom community and forever destroying the current ambiance that we and our children have enjoyed.

I strongly encourage the Planning Commissioners to support the LCP as written and the recommendation that the purposed Vintage Pacific home development tract be rejected.

Respectfully,

Ed Heywood
805-451-0359

Rudy Silvas

From: Rothenberg, Nancy [NRothenberg@ptpn.com]
Sent: Monday, April 06, 2015 2:34 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9
PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258
SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners:

The Calabasas Highlands Homeowners Association supports staff's recommendation that the proposed Vintage Pacific 16 home development tract project be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

However, we oppose the staff's recommendation to validate the Mitigated Negative Declaration (MND) because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts and therefore requires new environmental review.

A 16 home subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts on the publics' resources. It could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive biological and spectacular scenic resources; impair our wildlife corridors and habitat; and permanently tarnish the viewshed, particularly from the Backbone Trail.

Sincerely,

Nancy Rothenberg, President
Calabasas Highlands HOA

From: Darryl Wizenberg [mailto:darryl@wizenberg.com]
Sent: Monday, April 06, 2015 2:10 PM
To: Rosie Ruiz; Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Darryl Wizenberg
876 Crater Oak Drive
Monte Nido. 91302

rruiz@planning.lacounty.gov and **CC:** rsilvas@planning.lacounty.gov

Best Regards,

Darryl Wizenberg

Rudy Silvas

From: Lynn Benjamin [lynnben@charter.net]
Sent: Monday, April 06, 2015 5:21 PM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9: SUPPORT COMPLIANCE W/LCP, OPPOSE INADEQUATE MND

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.

OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it would forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Lynn Benjamin

25607 Buckhorn Drive

Monte Nido, CA 91302

Rudy Silvas

From: Grant [grantv@Wamerica.com]
Sent: Monday, April 06, 2015 10:58 AM
To: Rosie Ruiz
Cc: Rudy Silvas; HOLLY VAN EVERY
Subject: AGENDA ITEM 9

Dear Rosie -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – Validation of MND. Require New Environmental Review.

Honorable Los Angeles County Planning Commissioners,

We SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

We also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Grant & Holly Van Every
25728 Dark Creek Road
Calabasas, CA 91302

Rudy Silvas

From: Clarise Compton [clarisecompton@yahoo.com]
Sent: Monday, April 06, 2015 9:33 AM
To: Rosie Ruiz
Cc: Rudy Silvas
Subject: AGENDA ITEM 9 - SUPPORT COMPLIANCE W/LCP - OPPOSE INADEQUATE MND

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.
OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,
Clarise Compton, 4135 Cornell Road Agoura Hills CA, 91301

Rudy Silvas

From: Nona Green [nona4re@gmail.com]
Sent: Monday, April 06, 2015 10:05 AM
To: Rudy Silvas
Subject: Agenda Item #9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**

OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,

Nona Green
5699 Kanan Rd. #169
Agoura Hills, CA 91301

PS. We are in a drought and the wildlife is dying due to urban encroachment. Stop this nonsense.

Rudy Silvas

From: Steve Hess [stevehess10@gmail.com]
Sent: Sunday, April 05, 2015 11:51 PM
To: Rosie Ruiz
Cc: Rudy Silvas; Patricia Hess
Subject: Longtime residents support the LCP, baffled by Vintage Pacific MND

Dear Honorable Los Angeles County Planning Commissioners,

My wife and I have lived in the Santa Monica Mountains all our lives and in Cornell for 20+ years. We love living in the mountains, have raised our kids here, and stay informed about what is going on here.

We wholeheartedly believe in the LCP and, in fact, spent many hours working in support of the plan. That is why we are so baffled by the staff's recent recommendation that the submitted Mitigated Negative Declaration is sufficient in the Vintage Pacific 16 home plan for Monte Nido. Nothing could be more incongruent with the LCP!

We agree that the development, and all development in the mountains, should be governed by the LCP and urge you to reject the staff recommendation regarding the Mitigated Negative Declaration on the basis that this project WILL have unmitigable and permanent impacts to wildlife and visitors in the region.

Sincerely,
Steve & Patricia Hess
Cornell, Ca
818/652-4429

Rudy Silvas

From: mallinger@aol.com
Sent: Sunday, April 05, 2015 10:56 PM
To: Rudy Silvas
Cc: Rudy Silvas
Subject: agenda Item 9

Dear Ms. Ruiz -

Please forward a copy of my comments below to all Los Angeles County Regional Planning Commissioners. Comments are in reference to Agenda Item 9 - for the hearing on April 8, 2015. Thank you.

AGENDA ITEM 9

PROJECT NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630-(3) ENVIRONMENTAL ASSESSMENT CASE NO. 201200258

SUPPORT – **Invalidate Approvals in Concept for Vintage Pacific. Comply with LCP.**
OPPOSE – **Validation of MND. Require New Environmental Review.**

Honorable Los Angeles County Planning Commissioners,

I SUPPORT the LCP - and the staff's recommendation that the - Vintage Pacific 16 home development tract proposed project - be subject to and implemented under our newly certified Santa Monica Mountains Local Coastal Program (LCP) as required.

I also OPPOSE the staff's recommendation to validate the Mitigated Negative Declaration (MND), because it is insufficient for a newly re-designed project under the LCP. It has not adequately addressed the impacts - and therefore requires new environmental review.

A 16 home tract subdivision in the Santa Monica Mountains certified coastal zone will have significant negative impacts to the publics' resources: it could forever change the rural character of the Monte Nido community nested in the mountains and protected by our LCP; impact our sensitive and finite biological and spectacular scenic resources; impair our wildlife corridors and habitat; and, permanently tarnish the viewshed, particularly from the renowned Backbone Trail.

Sincerely,
Mollie Helfand
resident of 3rd district la county

Regional Planning Commission Transmittal Checklist

Hearing Date
04/08/2015
Agenda Item No.
9

Project Number: R2012-02436 to 02440 & R2013-03620 to 03630-(3)

Case(s): Environmental Assessment Case No. 201200258

Planner: Rudy Silvas

- ☒ Factual
- ☒ Property Location Map
- ☒ Assessor's Map Copy with Project Numbers
- ☒ Appeal
- ☒ Staff Report
- ☒ Draft Findings & Conditions for Each Project Approved
- ☒ Correspondence (DPW, Fire, Health, Parks)
- ☒ Environmental Documentation (Initial Study - MND & MMRP)
- ☒ Comments from California State Fish and Wildlife
- ☒ Comments from Monte Nido Valley Community Association
- ☒ CDP 5-83-4 copy
- ☒ Aerial Image(s)
- ☒ Photos
- ☒ Site/Fuel Mod Plan over Project Area
- ☒ Two and Three Story Elevation Sample (No Three-Story approvals)
- ☒ New LCP Bio Resources Map for Site
- ☒ ERB Minutes

Reviewed By: M. Glaser

Department *of* Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT SUMMARY

PROJECT NUMBER
R2012-02436 to 02440 & R2013-03620 to 03630-(3)

HEARING DATE
April 8, 2015

REQUESTED ENTITLEMENTS
Environmental Case No. 201200258

OWNER / APPLICANT
Vintage Pacific at Monte Nido, LLC

MAP/EXHIBIT DATE
January 18, 2013

PROJECT OVERVIEW
An appeal of the Mitigated Negative Declaration prepared for development of sixteen single-family homes within Monte Nido Tract No. 38931. Thirteen of the sixteen homes received Director's Review "approval in concept" plot plans. The plot plans were approved pursuant to the previously adopted 1986 Malibu Land Use Plan which has been replaced by the newly adopted 2014 Santa Monica Mountains Local Coastal Program.

LOCATION
25700 Block of Piuma Road, Monte Nido

ACCESS
Piuma Road

ASSESSORS PARCEL NUMBER(S)
4456-038-001, 002, 003, 004, 006,007, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022

SITE AREA
15.4 Gross Acres

GENERAL PLAN / LOCAL PLAN
1986 Malibu Land Use Plan

ZONED DISTRICT
The Malibu

LAND USE DESIGNATION
Rural Land III (1du/2 acres); Rural Land I (1du/10 acres)

ZONE
A-1-1 (Light Agriculture – 1 acre min. size lot area required)

PROPOSED UNITS
16 units

MAX DENSITY/UNITS
1 du/2 acres

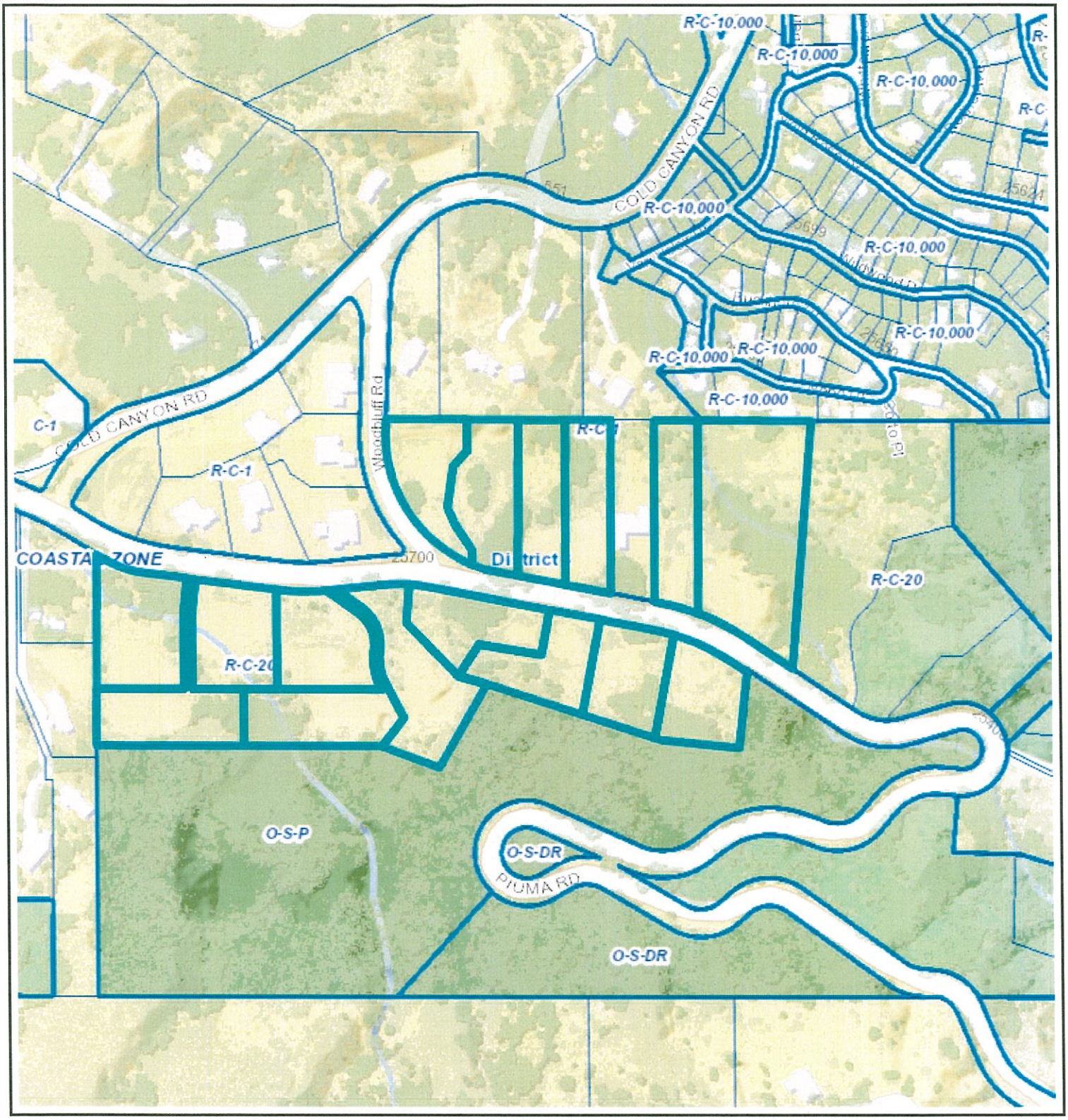
COMMUNITY STANDARDS DISTRICT
None

ENVIRONMENTAL DETERMINATION (CEQA)
Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP)

KEY ISSUES

- Compliance with CEQA for preparation of an initial study and determination for an MND
- Consistency with the 1986 Malibu Land Use Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.60.210 (Rights of appeal)
  - 22.44.300 (Review of development by ERB)
  - 22.56.1660 (Director's review)
  - 22.44.320 (Findings of consistency with Malibu Land Use Plan)
  - 22.56.1690 (Determination-Principles and Standards for Consideration)
  - 22.24.110 (A-1 Zone Development Standards)

CASE PLANNER: Rudy Silvas
PHONE NUMBER: (213) 974-6438
E-MAIL ADDRESS: rsilvas@planning.lacounty.gov



Created in GIS-NET3

Monte Nido Tract - 25700 Block of Piuma Rd.

Printed: Mar 24, 2015

0 600

Feet

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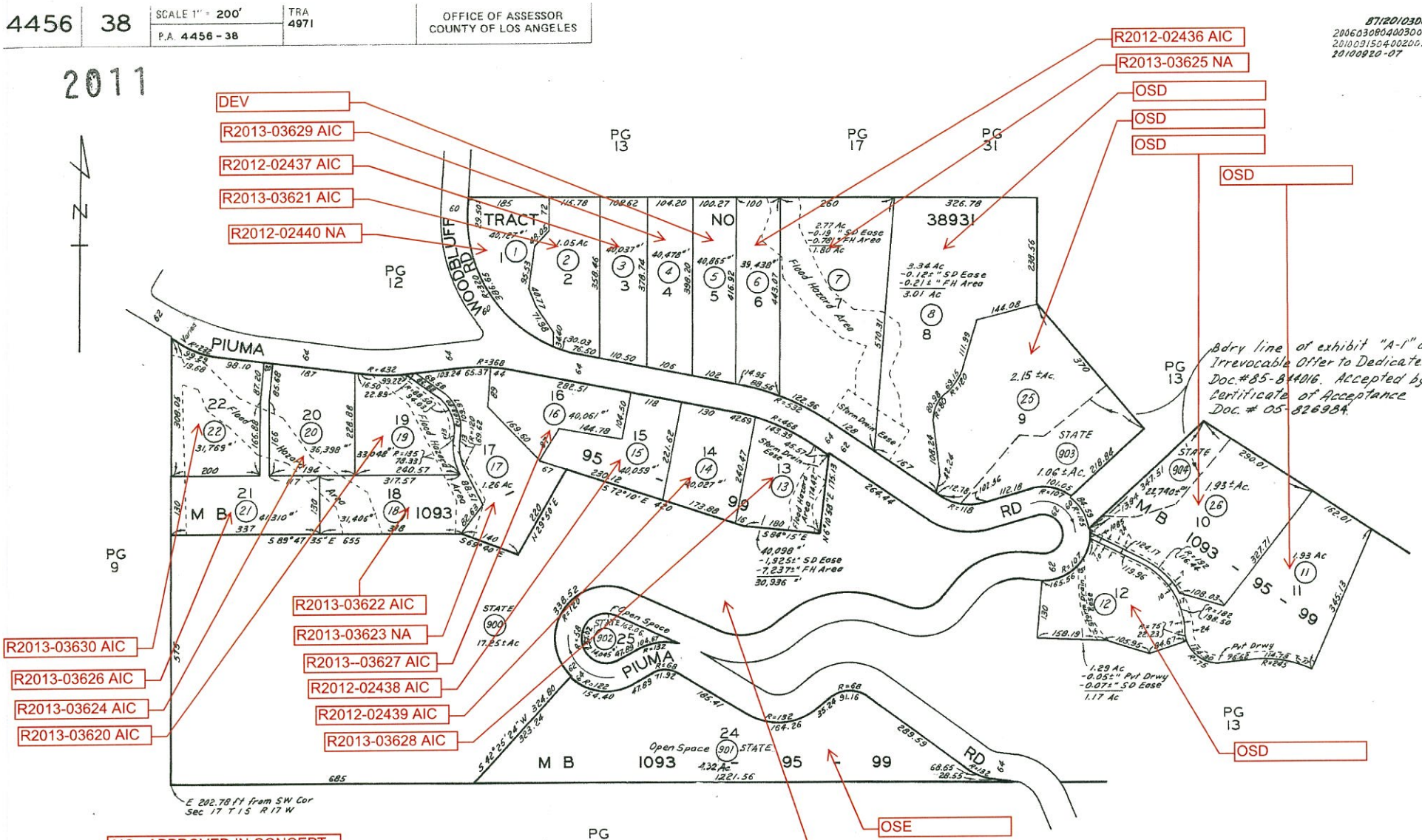
4456	38	SCALE 1" = 200'	TRA 4971	OFFICE OF ASSESSOR COUNTY OF LOS ANGELES
		P.A. 4456-38		

REVISED
87/20/03002005
20060306040030O1-07
20100315040020O2-07
20100920-07

2011



AIC - APPROVED IN CONCEPT
NA - NOT APPROVED
OSD - OPEN SPACE DEDICATE
OSE - OPEN SPACE EXISTING
DEV - DEVELOPED

Portion of Lots 6 to 8, 13, 17 to 22 of M.B. 1093-95-99 are subject to Flood Hazard.

All areas on this page are net except those tabled.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

REGIONAL PLANNING COMMISSION
APPEAL FORM

DATE: October 8, 2014

TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012

FROM: Monte Nido Valley Community Association (MNVCA)
Name

SUBJECT:
Project Number(s): See Attachment 1
Case Number(s): RENV201200258
Case Planner: Rudy Silvas, Principal Planning Assistant
Address: 25631 to 25752 Piuma Road, Monte Nido
Assessors Parcel Number: See Attachment 1
Zoned District: Malibu

Entitlement Requested:

We are appealing the Director's approval of the Mitigated Negative Declaration (MND; SCH 2014051048), including the Mitigation Monitoring and Reporting Program (MMRP), for the 16 lots proposed for single-family homes.

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	
Change of Zone Case No.	
Other	See Attachment 1 (RPP Nos.)

(Reverse)

I am appealing the decision of (check one and fill in the underlying information):

☒ **Director** ☐ **Hearing Officer**

Decision Date: September 24, 2014 Public Hearing Date: _____

Hearing Officer's Name: _____

Agenda Item Number: _____

The following decision is being appealed (check all that apply):

☐ The Denial of this request

☒ The Approval of this request

☐ The following conditions of approval:

_____

List conditions here

The reason for this appeal is as follows:

See Attachment 2.

Are you the applicant for the subject case(s) (check one)? ☐YES ☒NO

Submitted herewith is a check or money order for the amount due, as indicated on the Fee Schedule on the Los Angeles County Department of Regional Planning's website.

Appellant (Signature) Frank P. Angel, Attorney for MNVCA
Print Name

Angel Law, 2601 Ocean Park Boulevard, Suite 205, Santa Monica, CA 90405
Address

(310) 314-6433
Day Time Telephone No.

*Fee subject to change.

Environmental Checklist Form (Initial Study)

County of Los Angeles, Department of Regional Planning

Project title: Monte Nido Estates, Recorded Tract 38931
Project No. R2012-02436/Case No(s): RPP201200970 and RENV201200258, Lot 6;
Project No. R2012-02437/Case No(s): RPP201200971 and RENV201200258, Lot 3;
Project No. R2012-02438/Case No(s): RPP201200972 and RENV201200258, Lot 15;
Project No. R2012-02439/Case No(s): RPP201200973 and RENV201200258, Lot 14;
Project No. R2012-02440/Case No(s): RPP201200974 and RENV201200258, Lot 1;
Project No. R2013-03620/Case No(s): RPP201301334 and RENV201200258, Lot 19;
Project No. R2013-03621/Case No(s): RPP201301335 and RENV201200258, Lot 2;
Project No. R2013-03622/Case No(s): RPP201301336 and RENV201200258, Lot 18;
Project No. R2013-03623/Case No(s): RPP201301337 and RENV201200258, Lot 17;
Project No. R2013-03624/Case No(s): RPP201301338 and RENV201200258, Lot 20;
Project No. R2013-03625/Case No(s): RPP201301339 and RENV201200258, Lot 7;
Project No. R2013-03626/Case No(s): RPP201301340 and RENV201200258, Lot 21;
Project No. R2013-03627/Case No(s): RPP201301341 and RENV201200258, Lot 16;
Project No. R2013-03628/Case No(s): RPP201301342 and RENV201200258, Lot 13;
Project No. R2013-03629/Case No(s): RPP201301343 and RENV201200258, Lot 4;
Project No. R2013-03630/Case No(s): RPP201301344 and RENV201200258, Lot 22;

The above sixteen (16) single-family residential plot plan applications (Phase 1 & 2), are for the proposed development of Lots 1, 2, 3, 4, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of Tract Map 38931. An EIR was certified for the original approval of Tract Map 38931. This initial study is an analysis of the development of the lots with residences within a Sensitive Environmental Resource Area (SERA). Phase 1 for Lots 1, 3, 6, 14 and 15 have been reviewed by the County Environmental Review Board (ERB) on November 19, 2012, and Phase 2 for Lots 2, 4, 7, 13, 16, 17, 18, 19, 20, 21 and 22 on February 24, 2014. County Public Works, Public Health, Parks and Recreation and the Fire Department have reviewed the proposed development of the lots identified. Lot 7 must still be approved by Public Health.

Lead agency name and address: Los Angeles County, 320 West Temple Street, Los Angeles, CA 90012

Contact Person and phone number: Rudy Silvas; (213) 974-6462

Project sponsor's name and address:
Vintage Pacific at Monte Nido, LLC
9828 Research Drive
Irvine, CA 92618

Project location: Phase1:
25645 Piuma Road, Monte Nido (Project R2012-02436); *APN*: 4456-038-006
25677 Piuma Road, Monte Nido (Project R2012-02437); *APN*: 4456-038-003
25666 Piuma Road, Monte Nido (Project R2012-02438); *APN*: 4456-038-015
25664 Piuma Road, Monte Nido (Project R2012-02439); *APN*: 4456-038-014
420 Woodbluff Road, Monte Nido (Project R2012-02440); *APN*: 4456-038-001

Phase 2 project locations:

25693 Piuma Road, Monte Nido (Project R2013-03621); *APN*: 4456-038-002
25675 Piuma Road, Monte Nido (Project R2013-03629); *APN*: 4456-038-004
25631 Piuma Road, Monte Nido (Project R2013-03625); *APN*: 4456-038-007
25634 Piuma Road, Monte Nido (Project R2013-03628); *APN*: 4456-038-013
25680 Piuma Road, Monte Nido (Project R2013-03627); *APN*: 4456-038-016
25720 Piuma Road, Monte Nido (Project R2013-03623); *APN*: 4456-038-017
25722 Piuma Road, Monte Nido (Project R2013-03622); *APN*: 4456-038-018
25724 Piuma Road, Monte Nido (Project R2013-03620); *APN*: 4456-038-019
25734 Piuma Road, Monte Nido (Project R2013-03624); *APN*: 4456-038-020
25750 Piuma Road, Monte Nido (Project R2013-03626); *APN*: 4456-038-021
25752 Piuma Road, Monte Nido (Project R2013-03630); *APN*: 4456-038-022

USGS Quad: Malibu Beach; T1S, R17W, Section 17

Gross Acreage: 15.4 acres (4.6 acres in Phase 1 and 11.8 acres in Phase 2)

General plan designation: Non-Urban

Community/Area wide Plan designation: (5) Malibu Land Use Plan: Rural Land Use III (1 du/2 acres); Portions of Lots 17, 18 and 19 are also (3) Malibu LUP: Rural Land I (1 du/10 acres)

Zoning: A-1-1 (Light Agriculture-1 acre min. size lot area required)

Description of project: Phase 1: Five proposed Single-Family Residences on individually owned parcels:

- Project No. R2012-02436/Case RPP201200970: New two-story 4,119 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 42,837 sq. ft. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).
- Project No. R2012-02437/Case RPP201200971: New two-story 4,119 sq. ft. single-family residence, with associated pool, septic system, hardscape, and landscaping. The subject property is 40,037 sq. ft. Proposed grading includes 0 CY cut and 75 CY fill (75 CY import).
- Project No. R2012-02438/Case RPP201200972: New two-story 5,234 sq. ft. single-family residence, with associated retaining walls, hardscape, and landscaping. The subject property is 40,059 sq. ft. Proposed grading includes 150 CY cut and 0 CY fill (150 CY export).
- Project No. R2012-02439/Case RPP201200973: New two-story 4,435 sq. ft. single-family residence, with pool, retaining walls, and landscaping. The subject property is 40,027 sq. ft. Proposed grading includes 275 CY cut and 10 CY fill (265 CY export).
- Project No. R2012-02440/Case RPP201200974: New three-story 5,411 sq. ft. single-family residence, with pool, retaining walls, hardscape, and landscaping. The subject property is 40,127 sq. ft. Proposed grading includes 560 CY cut and 0 CY fill (560 CY export).

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201200970 (PROJECT R2012-02436)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25645 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-006)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201200970, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,119 square foot single-family residence, with pool, retaining walls, septic system, hardscape and landscaping.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

**RE: DIRECTOR'S REVIEW CASE NO. RPP 201200971 (PROJECT R2012-02437)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25677 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-003)**

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201200971, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,119 square foot single-family residence, with pool, septic system, hardscape and landscaping.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

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Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201200972 (PROJECT R2012-02438)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25666 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-015)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201200972, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 5,234 square foot single-family residence, with associated retaining walls, hardscape and landscaping.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

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For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

**RE: DIRECTOR'S REVIEW CASE NO. RPP 201200973 (PROJECT R2012-02439)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25664 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-014)**

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201200973, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,435 square foot single-family residence, with pool, associated retaining walls, hardscape and landscaping.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301334 (PROJECT R2013-03620)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25724 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-019)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301334, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,119 square foot single-family residence, with pool, landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301335 (PROJECT R2013-03621)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25693 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-002)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301335, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,440 square foot single-family residence, with pool, landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

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Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301336 (PROJECT R2013-03622)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25722 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-018)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301336, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,407 square foot single-family residence, with pool, landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301338 (PROJECT R2013-03624)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25734 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-020)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301338, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 3,662 square foot single-family residence, with landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

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Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301340 (PROJECT R2013-03626)
OAK TREE PERMIT NO. ROAK 201400023
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25750 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-021)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301340, Oak Tree Permit No. ROAK 201400023, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,407 square foot single-family residence, with landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

**RE: DIRECTOR'S REVIEW CASE NO. RPP 201301341 (PROJECT R2013-03627)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25680 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-016)**

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301341, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 3,636 square foot single-family residence, with pool, landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301342 (PROJECT R2013-03628)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25634 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-013)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301342, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 4,407 square foot single-family residence, with landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301343 (PROJECT R2013-03629)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25675 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-004)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301343, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 5,318 square foot single-family residence, with pool, landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 24, 2014

Vintage Pacific at Monte Nido, LLC
16530 Bake Parkway, suite 200
Irvine, CA 92618

Dear Applicant:

RE: DIRECTOR'S REVIEW CASE NO. RPP 201301344 (PROJECT R2013-03630)
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258
25752 PIUMA ROAD, MONTE NIDO, CA 91302 (APN 4456-038-022)

The Director, on September 24, 2014, has approved in concept Director's Review Case No. RPP 201301344, and Environmental Assessment Case No. RENV 201200258 with mitigation measures, for a new two-story 3,732 square foot single-family residence, with pool, landscaping and septic system.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

The appeal period for this project will end at 5:00 p.m. on October 8, 2014 (end of 14th calendar day/next business day after weekend/holiday). Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6470, or by email at rsilvas@planning.lacounty.gov .

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rudy Silvas, Principal Planning Assistant
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Mitigation Measures, Affidavit of Acceptance (Permittee's Completion)

c: Zoning Enforcement

The Monte Nido Valley Community Association (**MNVCA**) appeals the Director's approval of the Mitigated Negative Declaration (**MND**, SCH 2014051048), including the Mitigation Monitoring and Reporting Program (**MMRP**) for the 16 lots proposed for single-family homes. The MNVCA is a nonprofit public benefit corporation organized under the California Nonprofit Corporation Law, with approximately 170 household members, representing the interests of the residents of Monte Nido Valley. MNVCA is organized for the purpose, among other things, of maintaining the rural characteristics of Monte Nido Valley, and has long been active in protecting the surrounding federal and state parklands from degradation due to large-scale development.

The MND and the MMRP fail to comply with the California Environmental Quality Act (**CEQA**) and the State CEQA Guidelines.[1] "CEQA advances a policy of requiring an agency to evaluate the environmental effects of a project at the earliest possible stage in the planning process." (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 410.) As a first step, "the lead agency shall conduct an initial study to determine if the project may have a significant effect on the environment." (CEQA Guidelines, § 15063, subd. (a).) The initial study must "provide sufficient evidence or analysis of the potential environmental effects" or it will be deemed "inadequate." (*City of Redlands, supra*, 96 Cal.App.4th at p. 408.) If there is "a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an [Environmental Impact Report (**EIR**)] even though it may also be presented with other substantial evidence that the project will not have a significant effect." (*Arviv Enterprises, Inc. v. South Valley Area Planning Commission* (2002) 101 Cal.App.4th 1333, 1346.) A MND may be prepared where the initial study identifies potentially significant effects but revisions in the project plans or proposals "would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur...." (CEQA, § 21064.5.) However, when adopting a MND, the "public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." (CEQA Guidelines, § 21081.6, subd. (b).)

Here, the MND may not be approved because the initial study is inadequate in its review of the project's potentially significant impacts on the environment. For example, the MNVCA raised concerns about aesthetic impacts along Backbone Trail and Saddle Peak Trail, as well as scenic vistas along Piuma Road, due to the proposed residences being large in size and at odds with the rural character of Monte Nido. This expected impact is not mitigated simply by requiring landscaping made up of indigenous plants, especially when there are no standards that show that this mitigation measure minimizes adverse impacts on public views. Negative impacts from a limited setback -- many as small as 12 feet -- between the proposed residences are also not adequately addressed. Even if the tract map for the project allows a smaller setback, this does not negate the potentially significant impacts of building such large homes with limited setbacks in an environmentally sensitive habitat area (**ESHA**), especially when the Santa Monica Mountains Local Costal Program (**SMMLCP**) explicitly requires a strict 100-foot ESHA setback. The MNVCA further objects to the initial study's failure to disclose the potentially significant impacts the project poses to water quality in the Malibu Creek Watershed. Simply

[1] Pub. Resources Code, § 21000 et seq.; Cal. Code Regs, tit. 14, § 15000 et seq.

requiring mitigation in the form of compliance with partially unspecified water quality standards does not dispense with the requirement of identifying actual impacts on the ground.

In addition, both the MNVCA and the California Department of Fish and Wildlife (**DFW**) noted deficiencies in the initial study's review of impacts to biological resources. The DFW found inadequacies in surveys of rare species, and urged that the MND disclose adverse impacts of fuel modification activities, including direct impacts on sensitive oak woodland communities. The DFW also recommended that in order to permit adequate review of and comment on the proposed project, the MND needed information on: (1) the purpose and description of, the proposed project, including all staging areas and access routes to the construction site and staging areas; (2) a range of feasible alternatives; (3) recent floristic-based assessments of special status plants and natural communities; (4) a current inventory of the biological resources associated with each habitat type, an inventory of rare, threatened, endangered, and sensitive species; (5) a discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage; indirect project impacts; (6) and cumulative effects analysis considering past, present, and anticipated future projects. Although this is only a sampling of issues raised by the DFW, none are adequately addressed by the MND.

In addition to the inadequacies of the initial study, there is substantial evidence that this project may have significant effects, thus requiring an EIR. (*Arviv Enterprises, Inc.*, *supra*, 101 Cal.App.4th at pp. 1345-46.) Notably, the original subdivision alone had significant environmental impacts which necessitated an EIR. However, this EIR is not part of the record, even though this EIR should be reviewed in order to ensure that no mitigation measures recommended and adopted at the time are omitted now, and to verify that relevant environmental information then disclosed is not outdated -- for example, due to changes in the circumstances under which the project is being undertaken, or significant new environmental information unavailable in the early 1980s when the EIR for the subdivision was prepared. Given the greater impacts expected from building the proposed residences, especially with the atypically large sizes and lack of appropriate setbacks, the adverse environmental impacts of the project can be expected to be more significant than those of the original subdivision, which again, itself required an EIR. An EIR therefore must be prepared for this project.

Finally, as previously pointed out by the MNVCA, the project must be reviewed for consistency with the SMMLCP, as future coastal permits will be subject to the SMMLCP. Currently, the initial study looks only at consistency with the superseded 1986 Malibu Local Coastal Land Use Plan, but not the SMMLCP that has been unanimously approved by the Coastal Commission at the April 2014 and July 2014 hearings. These SMMLCP standards, which were created after years of community involvement, including MNVCA's active support, should be the standards by which the project is reviewed in order to ensure consistency with applicable County plans.

APPEAL OF ENVIRONMENTAL DETERMINATION REQUESTED

Pursuant to Los Angeles County (County) Code Section 22.60.210, the Monte Nido Valley Community Association (MNVCA) has requested an appeal of a Mitigated Negative Declaration (MND) adopted by the Director on September 24, 2014 for development of up to 16 single-family residences in Tract No. 38931 (the "Monte Nido Tract").

Thirteen of the sixteen single-family residences were approved "in concept" by the Director concurrently with adoption of the MND on September 24, 2014. Two of the 16 single-family residences could not be approved because they exceeded the 35 foot height limit for the A-1-1 (Light Agricultural – 1 acre minimum required lot area) Zone, and one of the 16 single-family residences could not be approved due to a hold by County Public Health for conflicts with Plumbing Code requirements.

PROJECT DESCRIPTION

The environmental assessment addressed the impacts of development of up to 16 single-family residences on 16 separate lots, and the dedication of an additional five lots to a public park agency, per a settlement agreement executed between the County and the project proponent on March 12, 2013. Graded pads for residential lots in the project area were established pursuant to Coastal Development Permit (CDP) 5-83-4. To accommodate access to Lots 21 and 22, Oak Tree Permit 201400023 was previously approved "in concept" by the Director for encroachment of a single oak tree. Additional grading is required to complete proposed development on each of the 16 residential lots.

A thorough environmental assessment was required to address the impact of the final grading required to complete the proposed single-family residences, the impact of the development on the remaining native biological habitat and natural resources of the project area and its surroundings, and the final impact of the bulk and height of the homes upon the visual aesthetic quality of the area, which includes a scenic highway and a riding and hiking trail, the Backbone Trail. Therefore an Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA).

Pursuant to the 1986 Malibu Land Use Plan, under which the project was evaluated in two phases by Staff and the County's Environmental Review Board (ERB), the project area is within a Sensitive Environmental Resource Area (SERA) known as the Malibu/Cold Creek Resource Management Area and is also within two Environmentally Sensitive Habitat Areas (ESHA). The project area is now regulated by the new Santa Monica Mountains Local Coastal Program (LCP), certified on October 10, 2014, which has superseded the 1986 Malibu Land Use Plan.

SITE PLAN DESCRIPTION

The overall site plan for the Monte Nido Tract project area depicts 16 single-family residences proposed on 16 separate lots, including their respective structural footprints

and fuel modification plans. One existing single-family residence in the Monte Nido Tract is also depicted.

Individual site plans for each of the sixteen lots depict the structural footprint, floor and elevation plans, access driveways, retaining walls, and grading and drainage plans for each single-family residence. Contours and elevations of each site, along with finished grade elevations, are also depicted on the site plans. Also depicted on some site plans are infinity pools, septic tank locations, and oak tree locations.

LOCATION

The project area is located along the 25700 block of Piuma Road, within the unincorporated community of Monte Nido and The Malibu Zoned District. The Assessor Parcel Numbers for the lots are 4456-038-001, 002, 003, 004, 006, 007, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022.

EXISTING ZONING

The entire project area was zoned A-1-1 (Light Agricultural – one acre minimum required lot area) at the time that the Director approved the latest approvals "in concept."

Following certification of the 2014 Santa Monica Mountains LCP, the project area is now zoned R-C-1 (Rural Coastal - one acre minimum required lot area) north of Piuma Road over Lots 1-7, R-C-20 (Rural Coastal - 20 acre minimum required lot area) south of Piuma Road over Lots 13-22 and proposed dedication Lots 8-9, and R-C-40 (Rural Coastal - 40 acre minimum required lot area) over proposed dedication Lots 10-12.

Surrounding Properties:

North:	Previous A-1-1; Current R-C-1
East:	Previous A-1-1; Current O-S-P
South:	Previous A-1-1; Current O-S-P
West:	Previous A-1-1; Current R-C-20

EXISTING LAND USE

The 16 lots proposed for residential development are currently pre-graded for residential pads and are vacant.

Surrounding Properties:

North:	Single-family residence
East:	Vacant
South:	Vacant
West:	Single family residence

General Plan/Community Plan Consistency

Pursuant to the 1986 Malibu Land Use Plan, the project area was previously designated within the Rural Land I (maximum density of one dwelling unit per 20 acres), Rural Land III (maximum density of one dwelling unit per two acres), and Significant Watersheds and Resource Management Areas land use categories. Development within a SERA requires review by ERB per the policies of the 1986 Malibu Land Use Plan. ERB reviewed the plans and provided recommendations for the project based on the policies of the 1986 Malibu Land Use Plan.

Following certification of the 2014 Santa Monica Mountains LCP, the project area is now designated within the Rural Village (RV) land use category over Lots 1-7, the Mountain Lands (RL20, maximum density of one dwelling unit per 20 acres) over Lots 13-22 and the proposed dedication Lots 8-9, and the Mountain Lands (RL40, maximum density of one dwelling unit per 40 acres) land use category over Lots 10-12.

Zoning Ordinance and Development Standards Compliance

The project area was previously zoned A-1-1 and was not located within any designated Community Standards District. County Code Section 22.44.300 required ERB review for development within a designated SERA and County Code Section 22.56.1660 required a Director's Review approval "in concept."

Residential development in the project area met all applicable development standards for the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The proposed residences met or exceeded the required front, side and rear yard setbacks, with the exception of Lots 19 and 21 which required minor yard setback modifications for certain sections of the proposed residences that were approved "in concept" by the Director pursuant to County Code Section 22.48.180. The maximum permitted height is 35 feet above natural grade. The proposed residences did not exceed the maximum permitted height, with the exception of those proposed on Lots 1 and 17, which were not approved "in concept." All proposed retaining walls within required yard areas did not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements were satisfied with two or more covered parking spaces for each single-family residence pursuant to County Code Section 22.52.1180.

Site Visit

A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

PREVIOUS CASES/ZONING HISTORY

On December 30, 1982, Tract No. 38931 was approved by the Board of Supervisors concurrently with certification of an Environmental Impact Report (EIR) dated May 17, 1982.

In January 1983, CDP 5-83-4 was issued by the California Coastal Commission, which authorized the division of 102 acres into 22 residential lots and one open space lot. As part of the special conditions for the permit, a deed restriction was recorded which provided that all subsequent development proposed for each lot would require a CDP from the Coastal Commission or its successor agency. Additional conditions:

- limited grading to identified building pads;
- limited grading operations to the spring and summer months;
- required that structures be set back 50 feet or greater from blue line streams or riparian habitat;
- required that structures be set back 50 feet or greater from State owned land on Lots 17 and 20;
- required that structures be set back 75 feet or greater from the identified ridgeline on Lots 10 and 11;
- required revegetation of cleared and graded areas with drought, fire and erosion resistant native plants;
- prohibited removals of oak trees that were subject to the County's Oak Tree Ordinance;
- minimized encroachments due to grading as listed under condition 3 for revised plans;
- required use of building materials with colors intended to minimize visual impacts; and
- required landscaping to blend the project in with the surrounding environment and to screen residential development from the Backbone Trail.

Tract No. 38931 was recorded on September 24, 1987 and depicted 22 single-family lots and three open space lots (Lot No. 23, 24, and 25), along with associated drainage facilities and improvements following issuance of a CDP.

Grading permits were issued for grading on the subject pads, pursuant to CDP 5-83-4, on June 20, 1996. Preliminary grading occurred on 16 of the 22 lots slated for development (Lots 1-7 and 13-22).

CDP 5-83-004-A1, an amendment to CDP 5-83-4, was approved by the California Coastal Commission on April 9, 1998. The amendment allowed deletion of a detention basin, modification to culverts, and reduction in grading quantities for development by 10,660 cubic yards to a total of 67,480 cubic yards with 36,790 cubic yards of cut and 30,690 cubic yards of fill (the original approval entailed a total of 78,140 cubic yards with

40,775 cubic yards of cut and 37,365 cubic yards of fill). The amendment also stated that grading would be prohibited during the rainy season (November 1 to March 31).

In late 2004 and 2005, Director's Review plot plans were approved "in concept" for the lots to be developed pursuant to CDP 5-83-4, with the exception of Lots 8 and 9. A subsequent Director's Review plot plan for Lot 7 was filed in 2006 and approved "in concept" in 2007.

All Director's Review plot plans approved "in concept" were submitted to the California Coastal Commission for their review and subsequent issuance of a CDP for each lot in accordance with the requirements of CDP 5-83-4. Only two CDPs were issued, CDP 4-05-197 for Lot 5 and CDP 4-07-097 for Lot 7, and only Lot 5 was subsequently developed with a single-family residence.

A modification to recorded Tract No. 38931 was filed on January 31, 2006 to dedicate Lot No. 8, 9, 10, 11, and 12 (originally recorded as single-family lots) as permanent undisturbed open space lots, to eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and to remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. A settlement agreement between the County and the developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval of the development of single-family homes from Regional Planning, the California Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division. However, no building permits will be issued for the development of any single-family homes until the deed restrictions are recorded.

Due to the expiration of all previous Director's Review plot plans approved "in concept" for residential development, a new round of plot plans for Director's Review were filed in October 2012 (Phase I, for residential development of Lots 1, 3, 6, 14, and 15) and in December 2013 (Phase II, for residential development of Lots 2, 4, 7, 13, 16, 17, 18, 19, 20, 21, and 22).

Environmental Assessment (RENV) Case No. 201200258 was filed for the proposed residential development of 16 lots in October 2012. Subsequently Staff reviewed:

- all comments received from County departments and outside agencies that were consulted on the draft initial study and mitigation measures prepared for the environmental assessment; and
- ERB recommendations made pursuant to their review of Phases I and II and the draft initial study.

On September 24, 2014, after the aforementioned review and completion of CEQA requirements pertaining to vetting of the MND and MMRP for adoption, the Director

approved 13 of the 16 Director's Review plot plans "in concept" and adopted the MND and MMRP for the development of the residential lots. As previously stated, one Director's Review plot plan was not approved " in concept" for Lot 7 due to a hold placed by County Public Health for conflicts with Plumbing Code requirements, and two Director's Review plot plans were not approved "in concept" for Lots 1 and 17 due to structural elevations exceeding the 35 foot height limit.

On October 8, 2014, RENV 201200258 was appealed to the Regional Planning Commission by the MNVCA during the open appeal period. The MNVCA did not agree that the initial study adequately identified potentially significant impacts to the environment and did not agree that the mitigation measures prepared to mitigate visual and water quality impacts to less than significant were sufficient.

ENVIRONMENTAL DETERMINATION

Although an EIR had been certified in 1982 for the approval of Tract No. 38931, and its related grading impacts, Staff decided that a new environmental assessment was necessary to address the impacts of the new single-family homes proposed, as they were not yet designed and presented at the time of the tract map's original approval. As previously stated, CDP 5-83-4 issued for Tract No. 38931 also required a separate CDP for each lot to be developed, thereby initiating the subsequent requirement of a Director's Review plot plan approval "in concept" for each lot. A Director's Review is a discretionary approval that is subject to the guidelines of CEQA. Because the lots were all located in a mapped sensitive environment, no Class 3 exemptions could be applied to the proposed single-family residences under CEQA Guidelines Section 15300.2.

Pursuant to the CEQA Guidelines, Staff prepared an initial study and determined that an MND would be necessary to address environmental impacts related to the proposed development.

Before completion of the draft initial study and initial consultation with other County departments and outside agencies, the plans for the single-family residences were required to be reviewed by the County's ERB. The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of Phase 1, were reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the single-family residences but was concerned about impacts to the riparian canopy in the project area, along with seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, were recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing was recommended to be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was also recommended. Minimized outdoor lighting was recommended in accordance with the County's Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan was recommended to be submitted to the Regional Planning Staff Biologist. ERB also recommended more native plants in the landscaping plans for all residential lots. Non-native plants were recommended only within the irrigated fuel-modification zones A and B. Invasive non-natives and California natives not indigenous to the project region were not to be used. No vineyards, orchards, or lawns were to be planted outside of fuel modification-zones A and B (See attached ERB minutes dated November 19, 2012).

With anticipation that Phase II (the remaining 11 of 16 lots slated for residential development in the Monte Nido Tract) would be proposed with residences with the same design, bulk and height as the lots in Phase I, a draft initial study was prepared after reviewing all comments from ERB and residential plans for Phase I. Following completion of the draft initial study, staff made a preliminary determination that an MND would be required. The draft initial study and preliminary MND determination were then circulated in September 2013 to the County Departments of Public Works, Public Health, Fire, Sheriff and Parks and Recreation. In January 2014, the draft initial study was also sent out for initial consultation with State, trustee, responsible and neighboring public agencies. Consultation was initiated to solicit comments to assist in the preparation of adequate mitigation measures for the MMRP. At the time of the initial consultation, no mitigation measures had yet been drafted.

A second ERB review of plans for residential development of Phase II (remaining Lots 2, 4, 7, 13, 16, 17, 18, 19, 20, 21 and 22) occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of

single-family homes in Phase I were also made for the development of homes in Phase II. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the development area, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). As a result, Lots 21 and 22 were recommended for retirement from development by ERB due to structural footprints proposed within 100 feet of riparian vegetation.

Following recommended modifications and mitigation measures noted in the ERB meeting minutes, both ERB and Staff considered the plans for residential development – except for those prepared for Lots 21 and 22 -- to be consistent with the 1986 Malibu Land Use Plan. Staff prepared mitigation measures for the MMRP following the completion of ERB's review of all lots proposed for residential development, and after all comments were received from County departments and other outside agencies following initial consultation.

Mitigation measures were prepared for impacts identified in the initial study to aesthetics, air quality, biological resources, hydrology and water quality, and noise as a result of the construction phase and completed form of the proposed single-family residences. Through implementation of the mitigation measures identified in the MMRP, Staff determined that the proposed residential development would have environmental impacts that could be mitigated to less than significant, including those for Lots 21 and 22.

Staff presented the proposed mitigation measures contained in the MMRP to the developer for review and acceptance. On May 1, 2014, the developer signed an acceptance form for the MMRP and agreed to incorporate the mitigation measures into the project.

On May 8, 2014, the MND, including the initial study and the MMRP, were sent to the State Clearinghouse along with the required Notice of Completion for distribution among State agencies. State Clearinghouse Number 2014051048 was assigned to the document. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the County (lead agency). Comments were subsequently received from State Fish and Wildlife. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014.

The MND was also made available for a 30 day public review period from May 13, 2014 to June 13, 2014. A Notice of Intent to adopt the MND was posted on the development site in three locations, and a copy was sent to the County Clerk's Office during the public review period as required by CEQA.

In early June 2014, the environmental document was re-circulated to all County departments for any final changes prior to the adoption of the MND by the Director. The following are comments received from all County departments and selected outside agencies during both the initial consultation period and the final review period:

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Los Angeles County Public Works

The Public Works Department (Public Works) responded to project CEQA consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Public Works waived road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road due to potential oak tree impacts for the subdivision. Public Works also waived future highway dedication previously reserved for eight feet along Piuma Road west of Woodbluff Road and for 10 feet along Piuma Road east of Woodbluff Road. Public Works reviewed all mitigation measures prepared for the MMRP and the updated initial study for the MND, and issued a final clearance for the environmental document for the complete project area on July 28, 2014.

Los Angeles County Fire Department

The Fire Department (Fire) responded to project CEQA consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit stated they would impose standard requirements for the project located in a Very High Fire Hazard Severity Zone, or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire's comments in their final letter dated July 1, 2014, reiterated their comments in their letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

Los Angeles County Public Health

The Health Department (Health) responded to project CEQA consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval "in concept" for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue

line stream. The previous approval "in concept" for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for all lots proposed for development, with the exception of Lot 7. Conditions were to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter on July 3, 2014, with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report. These requirements are included in mitigation measures 10.4 and 10.5.

Los Angeles County Parks and Recreation

The Department of Parks and Recreation (Parks and Recreation) responded to project CEQA consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of Tract Map No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System. The language was added under the "Recreation" section of the initial study.

Los Angeles County Sheriff's Report

The Sheriff's Department (Sheriff's) responded to project CEQA consultation with comments in their letter dated December 4, 2013, and indicated that response times to the project area would likely be impacted due to its location, but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area. A condition to ensure project-related construction activity not impede emergency access was added to all Director's Review plot plans approved "in concept."

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

State Fish and Wildlife

Staff received comments following initial CEQA consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse extended review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than six acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between ruderal and disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

Additional Agencies Consulted, With No Responses Received

Initial consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

Regional Planning, the lead agency, circulated the initial study and MMRP with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

PUBLIC COMMENTS

During the posting of the Notice of Intent for the MND and MMRP in the project area during the public review period, Staff received numerous public comments in opposition to the proposed residential development of the project area. Opposition to the design, bulk, and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, was noted in letters and emails sent to Staff. On July 14, 2014, a letter was also received from the President of the MNVCA in opposition to the project and to the adoption of the MND and MMRP for the project area. The letter included a statement that the initial study failed to adequately disclose the environmental impacts that the homes proposed for the project area will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believed that the MND was inappropriate for the type and intensity of impacts anticipated with all 16 homes proposed as part of the project and believed that an EIR was warranted.

STAFF EVALUATION

Staff has reviewed the comments on the environmental document and the letters of opposition to the design of the homes within the project area. Letters from State Fish and Wildlife and the MNVCA expressing concerns related to the accuracy of the initial study for the MND and to the adequacy of the mitigation measures prepared for the MMRP prompted Staff to reevaluate the environmental document prepared. After a thorough analysis, Staff determined that the environmental document was adequately prepared in its consideration of the environmental impacts and in its formulation of mitigation measures to reduce all potentially significant impacts to less than significant. Each Director's Review approval "in concept" includes findings based on this analysis, which may be found under the Director's Review Specific Findings Section of each approval document. Therefore staff recommends that the appeal be denied and that adoption of the MND be upheld.

The approvals of the Director's Review plot plans "in concept" and the adoption of the MND and MMRP were executed on September 24, 2014, sixteen days before the October 10, 2014 certification of the new 2014 Santa Monica Mountains LCP (LCP) by the California Coastal Commission. The appeal of the MND and MMRP was made by the MNVCA on the last day of the open appeal period, October 8, 2014. Therefore there was insufficient time to set an appeal hearing prior to the certification of the new LCP.

The project proponent did not have the opportunity to submit complete CDP applications consistent with the County's approvals "in concept" to the California Coastal Commission prior to the effective date of the new LCP. Therefore, under County Code Sections 22.44.910 E. and G. of the new Local Implementation Program (LIP) of the LCP, the project proponent must submit CDP applications for the proposed residential developments to the County pursuant to the requirements of the certified LCP. The LIP states that "no applications for development within the County's permit jurisdiction shall be accepted by the Coastal Commission for development within the Coastal Zone."

Although CDP 5-83-4 was issued by the California Coastal Commission with conditions pertaining to the development of Tract No. 38931, which set forth specific development parameters, CDP 5-83-4 also required a separate CDP for all development proposed for each lot. Therefore, each CDP application must now be reviewed and approved by the County under the policies set forth under the new Santa Monica Mountains LCP, which includes the Land Use Plan and the ordinance requirements of the LIP.

Finally, because of the new requirements set forth under the policies and ordinance requirements of the certified LCP, the proposed residential development plot plans approved "in concept" by the Director must be invalidated because they are not in compliance. For example, some of the proposed single-family homes must be redesigned to meet new gross structural area requirements for some of the lots, and all of the proposed single-family homes must be redesigned to meet new height requirements unless the project proponent successfully obtains approval of a variance.

The newly certified LCP also includes new limitations on fuel modification impacts to riparian vegetation and other sensitive habitat areas. Areas within the Coastal Zone are broken down into various environmental habitat classifications, with H1, H1 Buffer and H2 Habitats being the most sensitive. Fuel-modification zones are allowed to penetrate into these designated habitats only in very rare circumstances, and under no circumstances is construction of homes allowed with H1 Habitat. The least sensitive of the habitat classifications is H3 and deemed most appropriate to allow development.

According to a review of the new Biological Resources Habitat Map of the certified LCP, the project area includes classifications of H1 Habitat primarily around riparian

vegetation areas and also around other designated open space areas, with most of the H2 Habitat designation situated over open space areas and lots proposed as dedication lots per the prior settlement agreement. These proposed dedication lots also have areas designated as H1 Habitat and H1 Buffer. Most of the lots that have been previously graded are designated as H3 Habitat, some with an H1 Buffer overlay.

In order for the proposed residential development to proceed under the certified LCP, each single-family residence proposed on each lot must be redesigned and a CDP application for each single-family residence must be submitted to the County. Although staff recommends that the appeal be denied and that adoption of the MND be upheld, a new environmental assessment may subsequently be required to evaluate the impacts of the redesigned single-family residences.

Burdens of Proof

With regard to the Director's Review approvals "in concept," the applicant was required to substantiate all facts identified by County Code Section 22.56.1690 for the Burden of Proof necessary for Director's review and approval. In addition, the applicant was also required to substantiate all facts identified by County Code Section 22.56.215 F.2 for the Burden of Proof necessary to protect the integrity of identified resources. For the single oak tree encroachment, the applicant was required to substantiate all facts identified by County Code Section 22.56.2100 for the Oak Tree Permit Burden of Proof. Staff was of the opinion that the applicant met the burdens of proof for 13 of the 16 Director's Review approvals "in concept" and the single Oak Tree Permit application.

ZONING ENFORCEMENT

As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of CEQA Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND and MMRP by property posting at three designated locations within the project area.

Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014 to June 13, 2014 in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

STAFF RECOMMENDATION

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

Staff recommends that the appeal of Environmental Assessment Case No. 201200258 be denied and that the MND adopted by the Director be upheld. Staff also recommends that the associated Director's Review approvals "in concept" be invalidated and that the project proponent be directed to redesign the single-family residences as necessary to comply with the newly certified LCP and to submit a CDP application for each single-family residence to Regional Planning.

SUGGESTED MOTIONS

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE APPEAL HEARING, DENY THE APPEAL, AND UPHOLD THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT NO. 201200258) BY THE DIRECTOR, PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I MOVE THAT THE REGIONAL PLANNING COMMISSION INVALIDATE THE DIRECTOR'S APPROVAL "IN CONCEPT" FOR PROJECT NUMBERS R2012-02436 TO 02438 AND R2013-03620 TO 03622, 03624, AND R2013-03626 TO 03630, AND OAK TREE PERMIT NUMBER 201400023, AND DIRECT THE APPLICANT TO SUBMIT CDP APPLICATIONS FOR EACH SINGLE-FAMILY RESIENCE IN COMPLIANCE WITH THE NEWLY CERTIFIED 2014 LOCAL COASTAL PROGRAM.

Prepared by Rudy Silvas, Principal Regional Planning Assistant
Reviewed by Mitch Glaser, Assistant Deputy Director, Current Planning Division

Attachments:
Appeal by Frank Angel, Esq., for the MNVCA
Environmental Document, Including Initial Study MND and MMRP
Site Photographs
Site and Fuel Modification Plan for Project Area
Bio Resources Map of new certified LCP for project area

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2012-02436-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201200970
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area and Environmentally Sensitive Habitat Area (ESHA). SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,119 square foot single-family residence, with associated pool, retaining walls, septic system, hardscape and landscaping. The subject property, identified as Lot 6 of Tract No. 38931, is located along the north side of Piuma Road in Monte Nido, and is 42,837 gross square feet, or 0.98 gross acres, in size. Proposed grading includes 225 cubic yards of cut, 95 cubic yards of fill, and 130 cubic yards of export. The maximum height of the proposed residence will be 26.4 feet above the finished floor elevation of 684.17 feet. A 20 foot wide access driveway from Piuma Road to the residence is proposed for improvement, and the proposed residence will have a 3 car garage with a finished floor elevation of 683.67 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25645 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-006. The property is Lot 6 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, pool, property boundaries, site contours, Piuma Road, access driveway, retaining walls, perimeter walls, drainage course, drainage inlets, septic tank and seepage pits, oak trees with driplines, setbacks for residence and streambed, and designated ESHA boundaries. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant
West: Single-family residence

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including Lot 6 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence or pool but was concerned about impacts to the riparian canopy on site, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which did not include Lot 6, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the

project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 6 is beyond 100 feet from riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400420 for a two-story residence with related improvements, was first approved-in-concept for the site on January 25, 2005. No Coastal Development Permit (CDP) was issued for construction on Lot 6 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201200970 was filed on October 24, 2012, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 6 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 6) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres. Although the development of a residence on a 0.98 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies

of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 6 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation to the north and northeast. The area is characterized by slopes that are moderate to steep. The site itself slopes slightly upward to the north of Piuma Road, with a steep drop off on the north end of the property. A drainage course is located in the northeast corner of the site. More than 50 percent of the site adjoining the north end of Piuma Road is within the Malibu-Cold Creek Resource Management Area and the ESHA designated portion of the property runs parallel to the drainage course located in the northeast portion of the property.

The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental

document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7 which abuts the subject site Lot 6 to the east. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 6 and all other lots proposed for development, with the exception of Lot 7.

Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation

classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 6, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 6, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review

of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 6 is beyond 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.

6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201200970 is **APPROVED IN CONCEPT**.

BY: _____ DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-02436-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201200970
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,119 square foot single-family residence, with associated pool, retaining walls, septic system, hardscape and landscaping. Located along the north side of Piuma Road in Monte Nido, the subject property, identified as Lot 6 of Tract No. 38931, is 42,837 square feet gross, or 0.98 gross acres. Grading is proposed for 225 cubic yards of cut, with 95 cubic yards of fill and 130 cubic yards of export. The maximum height of the proposed residence will be 26.4 feet above the finished floor elevation of 684.17 feet. A 20 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have a 3 car garage with a finished floor elevation of 683.67 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently $2,256.25 ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2012-02437-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201200971
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,119 square foot single-family residence, with associated retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 3 of Tract No. 38931, is located along the north side of Piuma Road in Monte Nido, and is 40,037 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 0 cubic yards of cut, and 75 cubic yards of imported fill. The maximum height of the proposed residence will be 26.4 feet above the finished floor elevation of 677.17 feet. A 16 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have a 3 car garage with a finished floor elevation of 676.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25677 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-003. The property is Lot 3 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, retaining walls, perimeter walls, drainage inlets, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including Lot 3 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which did not include Lot 3, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site,

and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 3 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 49948 for a single-family residence with related improvements, was first approved-in-concept for the site on July 30, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 3 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201200971 was filed on October 24, 2012, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 3 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 3) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres. Although the development of a residence on a 0.92 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 3 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation to the north and to the west. The area is characterized by slopes that are moderate to steep. The site itself slopes slightly upward to the north of Piuma Road, with a steep drop off on the north end of the property. More than 50 percent of the site adjoining the north end of Piuma Road is within the Malibu-Cold Creek Resource Management Area.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff

Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 3 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 3, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 3, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all

building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 3 is beyond 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

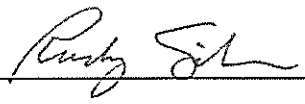
C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201200971 is **APPROVED IN CONCEPT**.

BY:  DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-02437-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201200971
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,119 square foot single-family residence, with associated retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 3 of Tract No. 38931, is located along the north side of Piuma Road in Monte Nido, and is 40,037 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 0 cubic yards of cut, and 75 cubic yards of imported fill. The maximum height of the proposed residence will be 26.4 feet above the finished floor elevation of 677.17 feet. A 16 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have a 3 car garage with a finished floor elevation of 676.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2012-02438-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201200972
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 5,234 square foot single-family residence, with associated retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 15 of Tract No. 38931, is located along the south side of Piuma Road in Monte Nido, and is 40,059 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 150 cubic yards of cut, and 0 cubic yards fill. The maximum height of the proposed residence will be 28.3 feet above the finished floor elevation of 693.47 feet. A 16 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have two 2-car garages with a finished floor elevation of 689.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25666 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-015. The property is Lot 15 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, retaining walls, perimeter walls, drainage inlets, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Vacant
East: Vacant
South: Vacant, open space
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including Lot 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which did not include Lot 15, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site,

and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 15 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400413 for a two-story residence with related improvements, was first approved-in-concept for the site on December 9, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 15 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201200972 was filed on October 24, 2012, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 15 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 15) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres. Although the development of a residence on a 0.92 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 15 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation to the south, southeast and southwest. The area is characterized by slopes that are moderate to steep. The site itself slopes slightly upward to the south of Piuma Road, with a steeper inclining slope towards the south end of the property. The entire site is within the Malibu-Cold Creek Resource Management Area.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff

Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 15 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 15, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 15, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all

building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 15 is beyond 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201200972 is **APPROVED IN CONCEPT.**

BY: Rudy Silva DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-02438-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201200972
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 5,234 square foot single-family residence, with associated retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 15 of Tract No. 38931, is located along the south side of Piuma Road in Monte Nido, and is 40,059 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 150 cubic yards of cut, and 0 cubic yards fill. The maximum height of the proposed residence will be 28.3 feet above the finished floor elevation of 693.47 feet. A 16 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have two 2-car garages with a finished floor elevation of 689.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2012-02439-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201200973
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,435 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 14 of Tract No. 38931, is located along the south side of Piuma Road in Monte Nido, and is 40,027 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 275 cubic yards of cut, and 10 cubic yards fill (265 cubic yards export). The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 693.47 feet. A 16 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have a 2-car garage with a finished floor elevation of 689.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25664 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-014. The property is Lot 14 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, perimeter walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant, open space
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including Lot 14 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which did not include Lot 14, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the

edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 14 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400416 for a two-story residence with related improvements, was first approved-in-concept for the site on December 17, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 14 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201200973 was filed on October 24, 2012, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 14 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 14) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres. Although the development of a residence on a 0.92 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 14 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation to the north, south, southeast and southwest. The area is characterized by slopes that are moderate to steep. The site itself slopes slightly upward to the south of Piuma Road, with a steeper inclining slope towards the south end of the property. The entire site is within the Malibu-Cold Creek Resource Management Area.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8

feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 14 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 14, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 14, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all

building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 14 is beyond 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

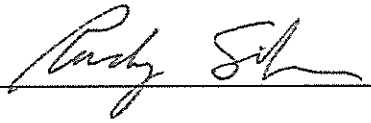
C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201200973 is **APPROVED IN CONCEPT**.

BY:  DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-02439-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201200973
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,435 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 14 of Tract No. 38931, is located along the south side of Piuma Road in Monte Nido, and is 40,027 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 275 cubic yards of cut, and 10 cubic yards fill (265 cubic yards export). The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 693.47 feet. A 16 foot wide access driveway from Piuma Road to the residence is proposed, and the proposed residence will have a 2-car garage with a finished floor elevation of 689.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03620-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301334
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,119 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 19 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 46,408 gross square feet, or 1.06 gross acres, in size. Proposed grading includes 700 cubic yards of cut, 100 cubic yards fill and 600 cubic yards export. The maximum height of the proposed residence will be 28 feet above the finished floor elevation of 711.27 feet. A 20 foot wide access driveway to the residence is proposed, connecting to a 24 foot wide common driveway across Lots 17 and 19 from Piuma Road which is proposed for improvement. The proposed residence will have a 3-car garage with a finished floor elevation of 710.77 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25724 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-019. The property is Lot 19 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1 strip, R-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 19, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the

project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). A portion of the residential structure footprint proposed for Lot 19 is within 100 feet from riparian vegetation located to the southwest. Staff prepared mitigation measures to address the encroachment, which is detailed under Finding No. 30 (subsection no. 3).

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 49957 for a single-family residence with related improvements, was first approved-in-concept for the site on December 30, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 19 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301334 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 19 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site's (Lot 19) building pad location is located within the Rural Land I (3) land use category of the Malibu Land Use Plan, with the northern section of the site located within the Rural Land III (5) land use category. The development density allowed under the Malibu Land Use Plan is one dwelling unit per ten acres for Rural Land I, and one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.06 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior

to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 19 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, a drainage culvert, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes upward to the graded pad south of Piuma Road, and continues with an inclining upward slope towards the south end of the property. The entire site is within the Malibu-Cold Creek Resource Management Area.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land I and III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental

document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 19 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as

cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation

classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 19, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 19, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be

kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 19 is within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence,

and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301334 is **APPROVED IN CONCEPT**.

BY: _____ DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03620-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301334
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,119 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 19 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 46,408 gross square feet, or 1.06 gross acres, in size. Proposed grading includes 700 cubic yards of cut, 100 cubic yards fill and 600 cubic yards export. The maximum height of the proposed residence will be 28 feet above the finished floor elevation of 711.27 feet. A 20 foot wide access driveway to the residence is proposed, connecting to a 24 foot wide common driveway across Lots 17 and 19 from Piuma Road which is proposed for improvement. The proposed residence will have a 3-car garage with a finished floor elevation of 710.77 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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

rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03621-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301335
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,440 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 2 of Tract No. 38931, is located along the north end of Piuma Road in Monte Nido, and is 45,923 gross square feet, or 1.05 gross acres, in size. Proposed grading includes 100 cubic yards of cut, 500 cubic yards fill with 400 cubic yards import. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 650.67 feet. A 20 foot wide access driveway from Piuma Road is proposed for improvement, and the proposed residence will have a 3-car garage with a finished floor elevation of 650.17 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25693 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-002. The property is Lot 2 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 2, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian

vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 2 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400421 for a single-family residence with related improvements, was first approved-in-concept for the site on January 8, 2005. No Coastal Development Permit (CDP) was issued for construction on Lot 2 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301335 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 2 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 9) is located within the Rural Land III (3) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.05 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 2 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes downward to the pre-graded pad area north of Piuma Road, and continues with an inclining upward slope towards the north end of the property. Most of the site is within the Malibu-Cold Creek Resource Management Area, with the exception of the far northern portion.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff

Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 2 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 2, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 2, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that

all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 2 is not within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301335 is **APPROVED IN CONCEPT**.

BY: Rudy Silva DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03621-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301335
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,440 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 2 of Tract No. 38931, is located along the north end of Piuma Road in Monte Nido, and is 45,923 gross square feet, or 1.05 gross acres, in size. Proposed grading includes 100 cubic yards of cut, 500 cubic yards fill with 400 cubic yards import. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 650.67 feet. A 20 foot wide access driveway from Piuma Road is proposed for improvement, and the proposed residence will have a 3-car garage with a finished floor elevation of 650.17 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. California Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03622-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301336
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area and Environmentally Sensitive Habitat Area (ESHA). SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,407 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 18 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 49,329 gross square feet, or 1.13 gross acres, in size. Proposed grading includes 350 cubic yards of cut, 50 cubic yards fill and 300 cubic yards export. The maximum height of the proposed residence will be 26 feet above the finished floor elevation of 715.27 feet. An access driveway to the residence is proposed, connecting to a 20 to 24 foot wide common driveway across Lots 17, 19 and 18 from Piuma Road which is proposed for improvement. The proposed residence will have a 4-car garage with a finished floor elevation of 711.6 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25722 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-018. The property is Lot 18 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Vacant
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 18, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the

project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). A portion of the residential structure footprint proposed for Lot 18 is within 100 feet from riparian vegetation located to the west. Staff prepared mitigation measures to address the encroachment, which is detailed under Finding No. 30 (subsection no. 3).

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400419 for a single-family residence with related improvements, was first approved-in-concept for the site on January 4, 2005. No Coastal Development Permit (CDP) was issued for construction on Lot 18 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301336 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 18 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site's (Lot 18) building pad location is located within the Rural Land I (3) land use category of the Malibu Land Use Plan, with the eastern section of the site located within the Rural Land III (5) land use category. The development density allowed under the Malibu Land Use Plan is one dwelling unit per ten acres for Rural Land I, and one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.13 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior

to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 18 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are typically 20 feet for the front yard, 5 feet for the side yard and 15 feet for the rear yard. However, because the lot has no street frontage and is similar to a flag lot served by an access strip, a uniform setback distance minimum of 10 feet from all property lines may be substituted. The proposed residence meets or exceeds the required 10 feet uniform setback distance from all property lines, and does not exceed the maximum height permitted for 35 feet above natural grade. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, a drainage culvert and drainage swale, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes upward to the pre-graded pad area located towards the center of the lot, and continues with an inclining upward slope towards the south end of the property. The site is within the Malibu-Cold Creek Resource Management Area, with an ESHA located in the southwestern portion of the site.

The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land I and Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las

Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 18 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory

plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 18, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 18, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review

of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 18 is within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.

6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301336 is **APPROVED IN CONCEPT.**

BY: _____ DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03622-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301336
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,407 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 18 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 49,329 gross square feet, or 1.13 gross acres, in size. Proposed grading includes 350 cubic yards of cut, 50 cubic yards fill and 300 cubic yards export. The maximum height of the proposed residence will be 26 feet above the finished floor elevation of 715.27 feet. An access driveway to the residence is proposed, connecting to a 20 to 24 foot wide common driveway across Lots 17, 19 and 18 from Piuma Road which is proposed for improvement. The proposed residence will have a 4-car garage with a finished floor elevation of 711.6 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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

rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03624-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301338
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area and Environmentally Sensitive Habitat Area (ESHA). SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 3,662 square foot single-family residence, with associated spa, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 20 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 46,311 gross square feet, or 1.06 gross acres, in size. Proposed grading includes 525 cubic yards of cut, 0 cubic yards fill and 375 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 662.67 feet. Overall maximum height will be 31 feet above grade. An 20 foot wide access driveway to the residence from Piuma Road is proposed for improvement, and the proposed residence will have a 3-car garage with a finished floor elevation of 658.7 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25734 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-020. The property is Lot 20 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1 strip, R-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad, a drainage culvert and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 20, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the

project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). A portion of the residential structure footprint proposed for Lot 20 is within 100 feet from riparian vegetation located to the southwest. Staff prepared mitigation measures to address the encroachment, which is detailed under Finding No. 30 (subsection no. 3).

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 49949 for a single-family residence with related improvements, was first approved-in-concept for the site on July 30, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 20 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301338 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 20 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site's (Lot 20) building pad location along with most of Lot 20 is located within the Rural Land III (5) land use category of the Malibu Land Use Plan, with a small western section of the site located within the Rural Land I (3) land use category. The development density allowed under the Malibu Land Use Plan is one dwelling unit per ten acres for Rural Land I, and one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.06 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the

legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 20 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, a drainage culvert and drainage swale, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes upward from Piuma Road to the pre-graded pad area located towards the center of the lot, and continues with an inclining slope up towards the east end of the property. The site is within the Malibu-Cold Creek Resource Management Area, with an ESHA located in the southwestern portion of the site.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land I and Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste

Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 20 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted

community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 20, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 20, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be

kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 20 is within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence,

and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

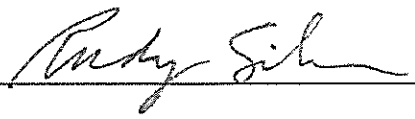
C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301338 is **APPROVED IN CONCEPT**.

BY:  DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03624-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301338
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 3,662 square foot single-family residence, with associated spa, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 20 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 46,311 gross square feet, or 1.06 gross acres, in size. Proposed grading includes 525 cubic yards of cut, 0 cubic yards fill and 375 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 662.67 feet. Overall maximum height will be 29.5 feet above grade. An 20 foot wide access driveway to the residence from Piuma Road is proposed for improvement, and the proposed residence will have a 3-car garage with a finished floor elevation of 658.7 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03626-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301340
OAK TREE PERMIT NUMBER ROAK 201400023
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area and Environmentally Sensitive Habitat Area (ESHA). SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,407 square foot single-family residence, with associated retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 21 of Tract No. 38931, is located south of Piuma Road in Monte Nido, and is 48,870 gross square feet, or 1.12 gross acres, in size. Proposed grading includes 700 cubic yards of cut, 0 cubic yards fill and 700 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 663.17 feet. Overall maximum height will be 31 feet above grade. An access driveway to the residence is proposed, connecting to a 20 foot wide common driveway to be improved over an access strip from Piuma Road to Lot 21 and shared by Lots 21 and 22. A small bridge that spans the natural drainage course that runs west to east below the access strip and common driveway will be replaced. Improvements to the common driveway over the access strip will also encroach into the protective zone of an existing oak tree which has required an oak tree permit. The proposed residence will have a 4-car garage with a finished floor elevation of 659.0 feet. A yard modification request with this Director's review has been made to allow a 7 foot setback for a section of the residence from the north property line in lieu of the required 10 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25750 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-021. The property is Lot 21 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad, a drainage swale and natural vegetation on site.

Surrounding Properties:
North: Vacant
East: Vacant
South: Vacant
West: Single-family residence

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-

native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 21, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 21 is beyond 100 feet from any riparian vegetation, and Oak Tree Permit Application Number ROAK 201300023 was filed to address the encroachment impact due to access road improvements.

Both ERB and Staff considered the other lots proposed in the project area to be consistent with the Malibu Land Use Plan following modifications, but ERB recommended consolidation of Lots 21 and 22 to the north, with retirement of future development and paving of the access strip in order to preserve the oak woodland and riparian habitat surrounding the lots. Staff prepared mitigation measures to address the potential impacts to oak woodland and riparian vegetation, which is detailed under Finding No. 30 (subsection no. 3).

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400417 for a single-family residence with related improvements, was first approved-in-concept for the site on January 5, 2005. No Coastal Development Permit (CDP) was issued for construction on Lot 21 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301340 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258.

The proposal for the new two-story residence on Lot 21 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 21) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.12 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 21 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120, with the exception of the setback required for a section of the residence from the north property line. Required setbacks are typically 20 feet for the front yard, 5 feet for the side yard and 15 feet for the rear yard. However, because the lot has no street frontage and is similar to a flag lot served by an access strip, a uniform setback distance minimum of 10 feet from all property lines may be substituted. The proposed residence meets or exceeds the required 10 feet uniform setback distance from all property lines, with the exception of the dining room proposed which is setback at 7 feet from the north property line. A yard modification request to allow a 7 foot setback in lieu of the required 10 feet for the dining room has been made with this Director's review pursuant to County Code Section 22.48.180. The proposed residence does not exceed the maximum height permitted for 35 feet above natural grade. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. The applicant has filed an oak tree permit application for the encroachment of one oak tree for access road improvements, pursuant to County Code Section 22.56.2080. A letter from the County Fire Department's Forestry Division (County Forester) dated August 28, 2014, was received with conditions of approval for the oak tree encroachment proposed in accordance with County Code Section 22.56.2140.

14. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

15. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, a drainage swale, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself, which is shaped like a flag lot, slopes upward from the west property line to the pre-graded pad area located adjacent to the north property line, and continues with an inclining slope up towards the east and southeast end of the property. The site is within the Malibu-Cold Creek Resource Management Area, with an ESHA located across the access strip and in the northeastern portion of the site.

The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

16. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

17. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their

final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

18. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

19. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 21 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

20. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

21. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for

invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

22. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

23. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

24. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

25. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

26. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

27. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

28. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

29. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

30. The proposed residence on Lot 21, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

31. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

    - Staff has determined that design of the homes, including the design of the home on this subject site Lot 21, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.

- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 21 is not within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as

Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

32. Staff has determined that the proposed dining room area setback at 7 feet from the north property line, in lieu of the required 10 feet allowed as a substitution setback for flag lots under County Code Section 22.48.050, qualifies for a yard modification by the Director per County Code Section 22.48.180 due to the steep topography and surrounding oak woodland area to the south of the proposed residence. To force the footprint of the proposed residence any further south and off the pre-graded pad could create unnecessary impacts to the existing oak woodland habitat. Therefore, the yard modification request is recommended for approval.

33. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

OAK TREE PERMIT SPECIFIC FINDINGS

34. In satisfying the County Forester's requirements for the conditions of approval of the oak tree permit for encroachment within the protected zone of the oak tree identified as Oak Tree Number L20-1, the applicant is required to replant oak trees at a 2:1 ratio for the oak tree identified should the oak tree perish as a result of the encroachment. Under the direction of the County Forester, any necessary oak tree replacements will be planted on-site if feasible or at an approved off-site location. An alternative is for the applicant to pay into the County of Los Angeles Oak Forest Special Fund in an amount to the Oak resource loss. The subject Oak Tree L20-1 is rooted in Lot 20, with the protected zone of the oak tree extending over the side property line and over the proposed access road improvement area of Lot 21. Due to the limitation as to where the access road for Lots 21 and 22 can be improved to serve those respective lots, there is no alternative to relocate the access road improvements and avoid encroachment into the protected zone of the oak tree. Therefore, Staff recommends approval of Oak Tree Permit Number ROAK 201400023, in accordance with the conditions of approval set forth by the County Forester in their letter dated August 28, 2014.

ENVIRONMENTAL DETERMINATION

35. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

36. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

37. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such

documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

WITH RESPECT TO 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 of Chapter 22.56, if any, on the subject property; and

B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and

C. That in addition to the above facts, at least one of the following findings must apply:

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

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

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

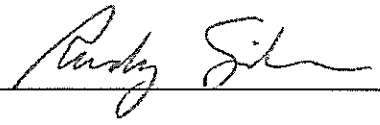
D. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301340 is **APPROVED IN CONCEPT**.

BY:  DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03626-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301340
OAK TREE PERMIT NO. ROAK 201400023
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,407 square foot single-family residence, with associated retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 21 of Tract No. 38931, is located south of Piuma Road in Monte Nido, and is 48,870 gross square feet, or 1.12 gross acres, in size. Proposed grading includes 700 cubic yards of cut, 0 cubic yards fill and 700 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 663.17 feet. Overall maximum height will be 31 feet above grade. An access driveway to the residence is proposed, connecting to a 20 foot wide common driveway to be improved over an access strip from Piuma Road to Lot 21 and shared by Lots 21 and 22. A small bridge that spans the natural drainage course that runs west to east below the access strip will be replaced. Improvements to the common driveway over the access strip will also encroach into the protected zone of an existing oak tree which has required an oak tree permit. The proposed residence will have a 4-car garage with a finished floor elevation of 659.0 feet. A yard modification request with this Director's review has been made to allow a 7 foot setback for a section of the residence from the north property line in lieu of the required 10 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes an oak tree permit and Director's Review approval for the construction of a new single-family residence, with yard modification for a 7 foot setback for a section of the residence from the north property line in lieu of the required 10 feet, and for encroachment of one oak tree to allow improvements to an existing access road within a Sensitive Environmental Resource Area (SERA) and Environmentally Sensitive Habitat Area (ESHA), pursuant to County Code Sections 22.56.2050, 22.56.2100, 22.44.300, 22.56.1660 and 22.48.180.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding

percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.

- The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
- Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
- 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

OAK TREE PERMIT SPECIFIC CONDITIONS

31. The permittee shall comply with all conditions and requirements contained in the County Forester letter dated August 28, 2014 for the oak tree permit (attached hereto and incorporated herein by this reference). Compliance with the County Forester's letter shall be to the satisfaction of said County Forestry Division and the Department of Regional Planning.

a. In the event that the encroachment into the protected zone of Oak Tree Number L20-1 results in the tree perishing, the permittee shall provide 15 gallon mitigation trees of the Oak genus at a rate of two to one (2:1) for the oak tree that perishes. The mitigation oak trees shall measure 1 inch or more in diameter at 1 foot above the base.

32. In addition to the conditions and requirements of the County Forester letter dated August 28, 2014, the permittee shall plant eight healthy acorns of the same species of oak (*Quercus sp.*) should the identified oak tree to be encroached upon perish. The acorns shall be planted at the same time and within the watering zone of each 15 gallon mitigation tree to be planted on site.

33. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus sp.*) as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

34. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus sp.*) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

35. That the trees on the site plan be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The tree shall be similarly designated on the site plan in a manner acceptable to the director.

36. The permittee shall contact the County Forester's Environmental Review Unit at (818) 890-5719 for instructions to finalize compliance with the conditions of approval for the oak tree permit, oak tree permit requirements per the County Forester letter dated August 28, 2014, and to schedule further inspections that may be necessary.

37. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an oak tree permit is required unless a copy of the oak tree report, location map, fencing plans, and approved oak tree permit and conditions are in the possession of a responsible person and also available at the site.

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03627-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301341
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 3,636 square foot single-family residence, with associated water fountain, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 16 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 40,061 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 420 cubic yards of cut, 0 cubic yards fill and 420 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 689.97 feet. Overall maximum height will be 31 feet above grade. A 20 foot wide access driveway to the residence from Piuma Road is proposed for improvement, and the proposed residence will have a 3-car garage with a finished floor elevation of 686 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25680 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-016. The property is Lot 16 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, water fountain, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad, and natural vegetation on site.

Surrounding Properties:
North: Vacant
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residences but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 16, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the

edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 16 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400418 for a single-family residence with related improvements, was first approved-in-concept for the site on January 5, 2005. No Coastal Development Permit (CDP) was issued for construction on Lot 16 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301341 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 16 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 16) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 0.92 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 16 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes upward from Piuma Road to the pre-graded pad area located towards the eastern end of the lot, and continues with an inclining slope up towards the south end of the property. The site is within the Malibu-Cold Creek Resource Management Area.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8

feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 16 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 16, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 16, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that

all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 16 is not within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

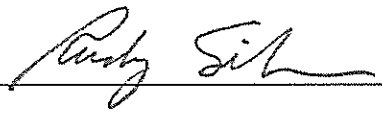
C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301341 is **APPROVED IN CONCEPT.**

BY:  DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03627-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301341
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 3,636 square foot single-family residence, with associated water fountain, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 16 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 40,061 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 420 cubic yards of cut, 0 cubic yards fill and 420 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 689.97 feet. Overall maximum height will be 31 feet above grade. A 20 foot wide access driveway to the residence from Piuma Road is proposed for improvement, and the proposed residence will have a 3-car garage with a finished floor elevation of 686 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03628-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301342
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 4,407 square foot single-family residence, with associated water fountain, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 13 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 40,098 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 320 cubic yards of cut, 0 cubic yards fill and 320 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 700.47 feet. Overall maximum height will be 31 feet above grade. A 20 foot wide access driveway to the residence from Piuma Road is proposed for improvement, and the proposed residence will have a 4-car garage with a finished floor elevation of 696.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25634 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-013. The property is Lot 13 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, water fountain, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad, and natural vegetation on site.

Surrounding Properties:
North: Vacant
East: Vacant
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residences but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 13, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the

edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 13 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 49955 for a single-family residence with related improvements, was first approved-in-concept for the site on December 30, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 13 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301342 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 13 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 13) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 0.92 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 13 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes upward to the pre-graded pad area located just south of Piuma Road, and continues with an inclining slope up towards the south and southeast end of the property. The site is within the Malibu-Cold Creek Resource Management Area.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8

feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 13 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 13, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 13, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that

all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 13 is not within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301342 is **APPROVED IN CONCEPT.**

BY: Rudy Silva DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03628-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301342
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 4,407 square foot single-family residence, with associated water fountain, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 13 of Tract No. 38931, is located along the south end of Piuma Road in Monte Nido, and is 40,098 gross square feet, or 0.92 gross acres, in size. Proposed grading includes 320 cubic yards of cut, 0 cubic yards fill and 320 cubic yards export. The maximum height of the proposed residence will be 27 feet above the finished floor elevation of 700.47 feet. Overall maximum height will be 31 feet above grade. A 20 foot wide access driveway to the residence from Piuma Road is proposed for improvement, and the proposed residence will have a 4-car garage with a finished floor elevation of 696.5 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03629-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301343
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area. SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 5,318 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 4 of Tract No. 38931, is located along the north end of Piuma Road in Monte Nido, and is 40,478 gross square feet, or 0.93 gross acres, in size. Proposed grading includes 225 cubic yards of cut, 95 cubic yards fill with 130 cubic yards export. The maximum height of the proposed residence will be 31 feet above the finished floor elevation of 673.9 feet. A 12 foot wide access driveway from Piuma Road is proposed, and the proposed residence will have a 4-car garage with a finished floor elevation of 677.97 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25675 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-004. The property is Lot 4 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: A-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Single-family residence
South: Vacant
West: Vacant

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones. Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 4, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50

feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 4 is beyond 100 feet from any riparian vegetation.

Both ERB and Staff considered the project to be consistent with the Malibu Land Use Plan following modifications.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 49950 for a single-family residence with related improvements, was first approved-in-concept for the site on December 30, 2004. No Coastal Development Permit (CDP) was issued for construction on Lot 4 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201301343 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258. The proposal for the new two-story residence on Lot 4 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 0.93 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 4 also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, five feet for the side yard and 15 feet for the rear yard. The maximum permitted height is 35 feet above natural grade. The proposed residence meets or exceeds the required front, side and rear yard setbacks, and does not exceed the maximum height permitted. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, and is surrounded by native vegetation. The area is characterized by slopes that are moderate to steep. The site itself slopes upward to the pre-graded pad area north of Piuma Road, but continues beyond with a declining downward slope towards the north end of the property. Most of the site is within the Malibu-Cold Creek Resource Management Area, with the exception of the far northern portion.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

15. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff

Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

16. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

17. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

18. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 2 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and

Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

19. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

20. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

21. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the United States Army Corp of Engineers. No comments were received from these agencies.

22. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

23. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.

Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

24. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

25. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

26. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

27. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

28. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

29. The proposed residence on Lot 4, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

30. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 4, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.
    3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that

all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 4 is not within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

31. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

32. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

33. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

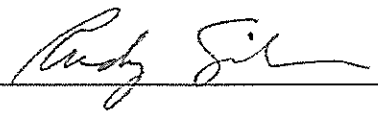
C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301343 is **APPROVED IN CONCEPT**.

BY:  DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03629-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301343
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 5,318 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 4 of Tract No. 38931, is located along the north end of Piuma Road in Monte Nido, and is 40,478 gross square feet, or 0.93 gross acres, in size. Proposed grading includes 225 cubic yards of cut, 95 cubic yards fill with 130 cubic yards export. The maximum height of the proposed residence will be 31 feet above the finished floor elevation of 673.9 feet. A 12 foot wide access driveway from Piuma Road is proposed, and the proposed residence will have a 4-car garage with a finished floor elevation of 677.97 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.
    - 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NUMBER R2013-03630-(3)
DIRECTOR'S REVIEW CASE NUMBER RPP 201301344
ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area and Environmentally Sensitive Habitat Area (ESHA). SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 3,732 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 22 of Tract No. 38931, is located along the southside of Piuma Road in Monte Nido, and is 54,594 gross square feet, or 1.25 gross acres, in size. Proposed grading includes 480 cubic yards of cut, 100 cubic yards fill and 380 cubic yards export. The maximum height of the proposed residence will be 25.5 feet above the finished floor elevation of 657.8 feet. Overall maximum height will be 29 feet above grade. An access driveway to the residence is proposed, connecting to a 20 foot wide common driveway to be improved over an access strip from Piuma Road to Lot 21 and shared by Lots 21 and 22. A small bridge that spans the natural drainage course that runs northwest to southeast across Lot 22 and below the access strip and common driveway will be replaced. Improvements to the common driveway over the access strip will also encroach into the protective zone of an existing oak tree which has required an oak tree permit for Lot 21. The proposed residence will have a 2-car garage with a finished floor elevation of 654.0 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25752 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-022. The property is Lot 22 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

Surrounding Properties:
North: R-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad, drainage courses and natural vegetation on site.

Surrounding Properties:
North: Single-family residence
East: Vacant
South: Vacant
West: Single-family residence

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones.

Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 22, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 22 is within 100 feet from riparian vegetation.

Both ERB and Staff considered the other lots proposed in the project area to be consistent with the Malibu Land Use Plan following modifications, but recommended consolidation of Lots 22 and 21 to the south, with retirement of future development and paving of the access strip in order to preserve the oak woodland and riparian habitat surrounding the lots. Staff prepared mitigation measures to address the potential impacts to oak woodland and riparian vegetation, which is detailed under Finding No. 30 (subsection no. 3). An Oak Tree Permit, Application Number ROAK 201300023, was also filed for Lot 21 to address the encroachment impact due to access road improvements.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400414 for a single-family residence with related improvements, was first approved-in-concept for the site on January 24, 2005. No Coastal Development Permit (CDP) was issued for development on Lot 22 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201303630 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258.

The proposal for the new two-story residence on Lot 22 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 22) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.25 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 22 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, 5 feet for the side yard and 15 feet for the rear yard. The proposed residence meets or exceeds the required yard setbacks, and does not exceed the maximum height permitted for 35 feet above natural grade. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. The applicant has filed an oak tree permit application under Lot 21 Project Number R2013-03626, Case No. ROAK 201400023, for the encroachment of one oak tree for access road improvements to serve Lots 21 and 22 pursuant to County Code Section 22.56.2080. A letter from the County Fire Department's Forestry Division (County Forester) dated August 28, 2014, was received with conditions of approval for the oak tree encroachment proposed in accordance with County Code Section 22.56.2140.

14. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

15. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, a natural drainage course that runs northwest to southeast, a drainage swale, and is surrounded by native vegetation. The area topography is characterized by slopes that are moderate to steep, which slope upward from the northwest area of the property to the southeast. The pre-graded pad area is located at an elevated plateau south of the drainage course, towards the south end of the property. The sloping topography of the property continues with an inclining slope up towards the south end of the property and beyond. The site is within the Malibu-Cold Creek Resource Management Area, with a designated ESHA located across the property along the natural drainage course.

The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

16. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

17. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

18. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

19. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 22 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

20. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

21. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

22. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the

United States Army Corp of Engineers. No comments were received from these agencies.

23. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

24. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

25. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

26. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

27. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is

submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

28. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

29. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

30. The proposed residence on Lot 22, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

31. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

- Staff has determined that design of the homes, including the design of the home on this subject site Lot 22, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
- Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
    1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
    2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.

3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 22 is within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

32. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

ENVIRONMENTAL DETERMINATION

33. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments

were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

34. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

35. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

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

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301344 is **APPROVED IN CONCEPT.**

BY: Rudy Silvas DATE: 9-24-2014

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2013-03630-(3)
DIRECTOR'S REVIEW CASE NO. RPP 201301344
ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 3,732 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 22 of Tract No. 38931, is located along the southside of Piuma Road in Monte Nido, and is 54,594 gross square feet, or 1.25 gross acres, in size. Proposed grading includes 480 cubic yards of cut, 100 cubic yards fill and 380 cubic yards export. The maximum height of the proposed residence will be 25.5 feet above the finished floor elevation of 657.8 feet. Overall maximum height will be 29 feet above grade. An access driveway to the residence is proposed, connecting to a 20 foot wide common driveway to be improved over an access strip from Piuma Road to Lot 21 and shared by Lots 21 and 22. A small bridge that spans the natural drainage course that runs northwest to southeast across Lot 22 and below the access strip and common driveway will be replaced. Improvements to the common driveway over the access strip will also encroach into the protective zone of an existing oak tree which has required an oak tree permit for Lot 21. The proposed residence will have a 2-car garage with a finished floor elevation of 654.0 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. 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.

3. 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 notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

4. 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.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, 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 fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing 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.

7. 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.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. 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.

9. This grant shall expire unless used within three (3) 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.

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 **$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 **2 inspection(s)**. 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.

11. Within five (5) 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 Wildlife pursuant to Section 711.4 of the California Fish and Wildlife 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 Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 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 and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and 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 Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County 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 MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas

Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. 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 site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

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

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.

- 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

PROJECT SITE SPECIFIC CONDITIONS

30. The applicant shall install pool equipment (i.e. filter and cleaning systems) away from the west end of the pool area to a location where noise will be reduced from the west end of the site.

31. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014

October 1, 2013

TO: Mi Kim
Zoning Permits – West Area
Department of Regional Planning

Attention Rudy Silvas

FROM: Steve Burger
Land Development Division
Department of Public Works

INITIAL STUDY (IS)/ MITIGATED NEGATIVE DECLARATION (MND)
TRACT NO. 38931 MONTE NIDO TRACT HOME DEVELOPMENT
PROJECT NO. R2012-02436 THROUGH R2012-02440
25645, 25677, 25666 AND 25664 PIUMA ROAD , AND
420 WOODBLUFF ROAD
ASSESSOR'S MAP BOOK NO. 4456, PAGE 38, PARCEL NO. 1, 3, 6, 14 AND 15
UNINCORPORATED COUNTY AREA OF MONTE NIDO

Thank you for the opportunity to review the IS/MND for the construction of five single-family residence associated with Tract No. 38931. The single family residences will be constructed in phases and this IS/MND is for the first phase. The subdivision is located in a Sensitive Environmental Resources Area (SERA) of the Santa Monica Coastal Range, and must be reviewed by County's Environmental Review Board (ERB). Subsequent approval by the California Coastal Commission is required.

The following comments are for your consideration and relate to the environmental document only:

It is recommended that this Environmental Document **not be released** until the applicant addresses these comments.

Transportation/Traffic (Section 17)

1. The document does not disclose the proposed realignment and the reconstruction of the intersection of Piuma Road and Woodruff Road and the impacts associated with the reconstruction of the intersection.

2. The document does not disclose that the road improvements along the frontage of the subdivision on Piuma Road and Woodruff Road were waived due to the oak trees impacts for the subdivision. The waiving of the street improvements should be mention in the project description and in Section 17, Transportation/Traffic Section.

   If you have any questions regarding the transportation/traffic comments, please contact Patricia Constanza of Land Development Division at (626) 458-4921 or tconstan@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:
P:\ldpub\SUBPCHECK\Plan Checking Files\Tract Map\TR 38931\CEQA\2013-09-05 Submittal\TR38931 Monte Ndo Tract Home Development IS-MND denial.docx

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVED
JUL 03 2014
BY:

July 1, 2014

Rudy Silvas, Principal Planning Assistant
Department of Regional Planning
Zoning Permit East Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Silvas:

REVISED INITIAL STUDY, UPDATED PLAN FOR THE PHASE 1, PROJECT NOS. R2012-02436; 02437; 02738; 02439 & 02440, "MONTE NIDO TRACT HOME DEVELOPMENT," FOUR PROPOSED SINGEL-FAMILY RESIDENCE AND ONE NEW THREE-STORY SINGLE-FAMILY RESIDENCE, 25645, 25677, 25666, 25664 PIUMA ROAD, AND 420 WOODBLUFF ROAD, CALABASAS (FFER #201400092)

The Revised Initial Study has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. We have no comments at this time.

LAND DEVELOPMENT UNIT:

1. The Land Development Unit does not have any additional comments for these projects. The Land Development Unit comments were addressed in the Fire Department's Comment Letter Dated October 3, 2013 (FFER #201300149).

2. Should any questions arise regarding the Land Development Unit comments, please contact FPEA, Wally Collins, at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

2. This property is located in an area described by the Forester and Fire Warden as being in a Fire Hazard Severity Zone. The development of this project must comply with all Fire Hazard severity Zone code and ordinance requirements for fuel modification. Specific questions regarding fuel modification requirements should be directed to the Fuel Modification Office at (626) 969-2375.

HEALTH HAZARDOUS MATERIALS DIVISION:

1. Based on the submitted information, the Health hazardous materials Division has no objection to the proposed project.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:jl

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

August 28, 2014

Rudy Silvas, Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Silvas:

OAK TREE PERMIT NUMBER 2014-00023
PROJECT NUMBER R2013-03626-(3)
WOODBLUFF AND PIUMA ROAD, MALIBU

We have reviewed the "Request for Oak Tree Permit #2014-00023." The project is located at Woodbluff and Piuma Road in the unincorporated area of Malibu. 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 April 3, 2014.

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 $300. Such fees shall be used to

compensate the County Forester $100 per inspection to cover expenses incurred while 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 two (2) 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 ENCROACHMENT:

7. This grant allows encroachment within the protected zone of one (1) tree of the Oak genus identified as Tree Number L20-1 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 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 any tree specified above, that dies as a result of the approved encroachments.

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 agrifolia*, 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.

To schedule a County Forester inspection, please contact the Environmental Review Unit at (818) 890-5719.

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

Very truly yours,

J. LOPEZ, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JL:jl

Enclosure

COUNTY OF LOS ANGELES
Public Health

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

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

ANGELO J. BELLOMO, REHS
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

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Fifth District

July 3, 2014

TO: Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning

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

SUBJECT: CEQA /INITIAL STUDY/MND & Mitigation Monitoring and Reporting Program (MMRP)
PROJECT NO. R2013-03620 through 03630 (11 lots)
Monte Nido Estates, Recorded Tract Map 38931
25600 block of Piuma Road, Monte Nido

The Department of Public Health - Environmental Health Division has reviewed the Initial Study for the project identified above. The Project was submitted in two phases; phase I proposed the construction of five Single Family Residences (SFR); this is phase II which proposes the construction of eleven SFR.

The Department does not have any objection. We offer the following comments:

Potable Water

Public water is proposed as the source of potable water, and will be supplied by Las Virgenes Municipal Water District. The applicant shall submit a "will serve letter" to this Department. We do not foresee a negative hydrological impact.

Mitigation measure: **(Hydrology and Water Quality)** Applicant shall submit a current will serve letter from Las Virgenes Municipal Water District to the Department of Public Health-Environmental Health Division, Drinking Water Program prior to construction.

Sewage Disposal

The project will depend on Onsite Waste Treatment Systems (OWTS).

The Land Use Program has reviewed the Percolation Test Results and Feasibility Study report dated July 28, 2011, prepared by Gold Coast Geoservices Inc. to determine the feasibility for the installation of OWTS. The data provided in the report tends to support the feasibility of utilizing OWTS for **Lots 2, 4, 13, 16, 17, 18, 19, 20, 21, and Lot 22**. Therefore, the Department has granted a conceptual approval for the development of all referenced lots for the purpose of constructing SFR contingent upon the conditions cited in the Department of Public Health's letter to Trisha Coffey of AHSIRT Engineering, Inc., dated September 28, 2011 (see attached).

Those conditions are reported below:

1. Prior to the installation of any OWTS, a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: "Onsite Wastewater Treatment System (OWTS) Guidelines" and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.

2. The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.

3. The easements required for the development of lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.

4. Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.

5. 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 rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis this approval.

Mitigation measure: **(Hydrology and Water Quality)** Prior to the installation of any OWTS, a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: "Onsite Wastewater Treatment System (OWTS) Guidelines" and submitted to this Department (Department of Public Health-Environmental Health Division, Land Use Program) for further review. This requirement is to be completed prior to construction.

For any questions about the above section, please contact Eric Edwards or Vicente Banada at (626) 430-5380 or at eedwards@ph.lacounty.gov, and vbanada@ph.lacounty.gov.

For any other questions about this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Parks Make Life Better!"
Russ Guiney, Director John Wicker, Chief Deputy Director

July 8, 2014 Sent via e-mail:rsilvas@planning.lacounty.gov

TO: Rudy Silvas
Department of Regional Planning

FROM: Julie Yom, Park Planner
Environmental and Regulatory Permitting Section

SUBJECT: **CEQA CONSULTATION**
INITIAL STUDY
PROJECT NO. R2012- 02436 THROUGH 02440
MONTE NIDO TRACT, CALABASAS
RECORDED TRACT 38931

The above project has been reviewed for potential impacts on the facilities of this Department. Although Phase 1 of the proposed project, which consists of construction of five residential structures on five parcels, will not affect any Departmental facilities, it is nearby an existing/official National Park Service trail, the Backbone Trail. The project is planned to incrementally grow, totaling sixteen residential units on sixteen parcels and in Phase 2, the Backbone Trail will eventually traverse the project site.

Initial Study

Page 32, Recreation 16b
Please include the following:

- According to the National Park Service Trails Inventory Data, the Backbone Trail traverses the project site (see attached Trail Report dated April 24, 2013) and adjacent public land. In addition, the Backbone trail connects to a proposed and existing network of regional trails which are a part of the County's Multi-Use Trail System

Thank you for including this Department in the review of this document. If you have any questions related to Trails, please contact Olga Ruano at (213) 738-2014 or oruano@parks.lacounty.gov. If we may be of further assistance, please contact me at (213) 351-5127 or jyom@parks.lacounty.gov.

JY: OR / R2012- 02436 thru 02440/ Monte Nido Tract

Enclosure1: Trail Report dated April 24, 2013

RECEIVED
7/7 fbs

c: Parks and Recreation (N. E. Garcia, K. King, L. Bradley, O. Ruano)

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Parks Make Life Better!"
Russ Guiney, Director John Wicker, Chief Deputy Director

April 24, 2013

TO: Alejandrina Baldwin
Land Divisions Section
Regional Planning

FROM: Kathline King
Chief of Planning
Parks and Recreation

SUBJECT: **REVISED TRAIL REPORT FOR MODIFICATION TO RECORDED TRACT NO. 038931 For Lots 8, 9, 10, 11, and 12 ONLY (MAP STAMPED BY REGIONAL PLANNING ON NOVEMBER 28, 2012)**

The Department of Parks and Recreation (Department) has completed the review of the subject Modification to Recorded Tract Map No. 038931 which depicts a general 20-foot trail easement alignment and notation that the easement be dedicated "to the Department of Parks and Recreation." In the Department's Trail Report to Regional Planning, dated January 3, 2013, the Department requested the applicant to show on the tract map a trail easement over the existing trail path and to dedicate the easement by separate document to any one of several specified public entities.

In 2006, the Department issued a Notice of Trail Requirement in connection with Tentative Tract Map No. 038931. The Tentative Tract Map did not show the location of the Backbone Trail which existed at the time. In the Department's comments at that time, a 20-foot trail easement was requested to be dedicated to County of Los Angeles.

__X__ THE MAP IS APPROVED WITH CONDITIONS.

Trail Easement Recordation Conditions

1. Prior to final map recordation, the Applicant shall:

a. Replace the existing label on the map on lots 10 and 11 with the following language:

"20' WIDE TRAIL EASEMENT FOR THE BACKBONE TRAIL."

b. Replace Note 5 with the following language:

"Proposed Modification to Recorded Tract Map to change lots 8, 9, 10, 11 and 12 from residential lots to open space lots, to be dedicated to U. S. National Parks Service, California Department of Parks and Recreation, Mountains Recreation and Conservation Authority, Santa Monica Mountains Conservancy, or other public entity approved in writing by the Director of the County of Los Angeles Department of Parks and Recreation for permanent open space."

c. Remove Note 11 on the map.

d. Add the Trail Note with the following language:

"WE HEREBY DEDICATE TO THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, SANTA MONICA MOUNTAINS CONSERVANCY OR OTHER PUBLIC ENTITY APPROVED IN WRITING BY THE DIRECTOR OF THE COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION, A TWENTY-FOOT (20') WIDE TRAIL EASEMENT AS SHOWN HEREON FOR THE PURPOSES OF THE BACKBONE TRAIL. "

e. Dedicate by separate document to California Department of Parks and Recreation, Mountains Recreation and Conservation Authority, Santa Monica Mountains Conservancy, or other public entity approved in writing by the Director of the Los Angeles County Department of Parks and Recreation, a twenty-foot (20') wide trail easement, designated as the Backbone Trail. The County of Los Angeles Department of Parks and Recreation maintains a "multi-use" policy for County trails which allows the following trail uses: hiking, mountain biking, and equestrian. However, for the subject Backbone Trail easement, the Director of the Los Angeles County Department of Parks and Recreation will defer any trail use restrictions to the public entity that ultimately receives the subject trail easement. Refer to attachments, Exhibit A and Exhibit B, for trail alignment.

f. The following language (in exact form) must be shown for trail dedications on the trail easement document:

"We hereby dedicate to _____, as approved in writing by the Director of the County of Los Angeles Department of Parks and Recreation, a twenty-foot (20') wide trail easement for (allowed uses), as shown on Exhibit "_____" for purposes of the Backbone Trail. Full public access shall be provided for the twenty-foot (20') wide trail easement.

g. The trail easement shall be recorded as a separate document and the plat map and legal description shall be attached and submitted to the County of Los Angeles Department of Parks and Recreation for review and acceptance.

For any questions concerning the trail conditions of approval, please contact Olga Ruano, Park Planning Assistant at (213) 738-2014 or by e-mail at oruano@parks.lacounty.gov.

KK:OR:ner

c: Parks and Recreation (N.E. Garcia, J. Barber, C. Lau, L. Bradley, O. Ruano)

TRAIL REVIEW: CEQA Consultation R2012-02436 through R2012-02440 (Monte Nido Estates)

County of Los Angeles | Department of Parks & Recreation

500 Feet

Prepared By: Planning_OR
Parcels: LA County Assessor
Subdivision Activity: Department of Regional Planning
NPS Trails: National Parks ServiceRoads:
Thomas Brothers (All rights reserved)
Aerial: LAR-IAC3

Environmental Checklist Form (Initial Study)

County of Los Angeles, Department of Regional Planning

Project title: Monte Nido Estates, Recorded Tract 38931
Project No. R2012-02436/Case No(s). RPP201200970 and RENV201200258, Lot 6;
Project No. R2012-02437/Case No(s). RPP201200971 and RENV201200258, Lot 3;
Project No. R2012-02438/Case No(s). RPP201200972 and RENV201200258, Lot 15;
Project No. R2012-02439/Case No(s). RPP201200973 and RENV201200258, Lot 14;
Project No. R2012-02440/Case No(s). RPP201200974 and RENV201200258, Lot 1;
Project No. R2013-03620/Case No(s). RPP201301334 and RENV201200258, Lot 19;
Project No. R2013-03621/Case No(s). RPP201301335 and RENV201200258, Lot 2;
Project No. R2013-03622/Case No(s). RPP201301336 and RENV201200258, Lot 18;
Project No. R2013-03623/Case No(s). RPP201301337 and RENV201200258, Lot 17;
Project No. R2013-03624/Case No(s). RPP201301338 and RENV201200258, Lot 20;
Project No. R2013-03625/Case No(s). RPP201301339 and RENV201200258, Lot 7;
Project No. R2013-03626/Case No(s). RPP201301340 and RENV201200258, Lot 21;
Project No. R2013-03627/Case No(s). RPP201301341 and RENV201200258, Lot 16;
Project No. R2013-03628/Case No(s). RPP201301342 and RENV201200258, Lot 13;
Project No. R2013-03629/Case No(s). RPP201301343 and RENV201200258, Lot 4;
Project No. R2013-03630/Case No(s). RPP201301344 and RENV201200258, Lot 22;

The above sixteen (16) single-family residential plot plan applications (Phase 1 & 2), are for the proposed development of Lots 1, 2, 3, 4, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of Tract Map 38931. An EIR was certified for the original approval of Tract Map 38931. This initial study is an analysis of the development of the lots with residences within a Sensitive Environmental Resource Area (SERA). Phase 1 for Lots 1, 3, 6, 14 and 15 have been reviewed by the County Environmental Review Board (ERB) on November 19, 2012, and Phase 2 for Lots 2, 4, 7, 13, 16, 17, 18, 19, 20, 21 and 22 on February 24, 2014. County Public Works, Public Health, Parks and Recreation and the Fire Department have reviewed the proposed development of the lots identified. Lot 7 must still be approved by Public Health. Road improvements along the frontage of the subdivision on Piuma Road and Woodruff Road were waived by Public Works due to the oak trees impacts for the subdivision.

Lead agency name and address: Los Angeles County, 320 West Temple Street, Los Angeles, CA 90012

Contact Person and phone number: Rudy Silvas; (213) 974-6462

Project sponsor's name and address:
Vintage Pacific at Monte Nido, LLC
9828 Research Drive
Irvine, CA 92618

Project location: Phase1:
25645 Piuma Road, Monte Nido (Project R2012-02436); *APN*: 4456-038-006
25677 Piuma Road, Monte Nido (Project R2012-02437); *APN*: 4456-038-003
25666 Piuma Road, Monte Nido (Project R2012-02438); *APN*: 4456-038-015
25664 Piuma Road, Monte Nido (Project R2012-02439); *APN*: 4456-038-014
420 Woodbluff Road, Monte Nido (Project R2012-02440); *APN*: 4456-038-001

Phase 2 project locations:

25693 Piuma Road, Monte Nido (Project R2013-03621); *APN*: 4456-038-002
25675 Piuma Road, Monte Nido (Project R2013-03629); *APN*: 4456-038-004
25631 Piuma Road, Monte Nido (Project R2013-03625); *APN*: 4456-038-007
25634 Piuma Road, Monte Nido (Project R2013-03628); *APN*: 4456-038-013
25680 Piuma Road, Monte Nido (Project R2013-03627); *APN*: 4456-038-016
25720 Piuma Road, Monte Nido (Project R2013-03623); *APN*: 4456-038-017
25722 Piuma Road, Monte Nido (Project R2013-03622); *APN*: 4456-038-018
25724 Piuma Road, Monte Nido (Project R2013-03620); *APN*: 4456-038-019
25734 Piuma Road, Monte Nido (Project R2013-03624); *APN*: 4456-038-020
25750 Piuma Road, Monte Nido (Project R2013-03626); *APN*: 4456-038-021
25752 Piuma Road, Monte Nido (Project R2013-03630); *APN*: 4456-038-022

USGS Quad: Malibu Beach; T1S, R17W, Section 17

Gross Acreage: 15.4 acres (4.6 acres in Phase 1 and 11.8 acres in Phase 2)

General plan designation: Non-Urban

Community/Area wide Plan designation: (5) Malibu Land Use Plan: Rural Land Use III (1 du/2 acres); Portions of Lots 17, 18 and 19 are also (3) Malibu LUP: Rural Land I (1 du/10 acres)

Zoning: A-1-1 (Light Agriculture-1 acre min. size lot area required)

Description of project: Phase 1: Five proposed Single-Family Residences on individually owned parcels:

- Project No. R2012-02436/Case RPP201200970: New two-story 4,119 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 42,837 sq. ft. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).
- Project No. R2012-02437/Case RPP201200971: New two-story 4,119 sq. ft. single-family residence, with associated pool, septic system, hardscape, and landscaping. The subject property is 40,037 sq. ft. Proposed grading includes 0 CY cut and 75 CY fill (75 CY import).
- Project No. R2012-02438/Case RPP201200972: New two-story 5,234 sq. ft. single-family residence, with associated retaining walls, hardscape, and landscaping. The subject property is 40,059 sq. ft. Proposed grading includes 150 CY cut and 0 CY fill (150 CY export).
- Project No. R2012-02439/Case RPP201200973: New two-story 4,435 sq. ft. single-family residence, with pool, retaining walls, and landscaping. The subject property is 40,027 sq. ft. Proposed grading includes 275 CY cut and 10 CY fill (265 CY export).
- Project No. R2012-02440/Case RPP201200974: New three-story 5,411 sq. ft. single-family residence, with pool, retaining walls, hardscape, and landscaping. The subject property is 40,127 sq. ft. Proposed grading includes 560 CY cut and 0 CY fill (560 CY export).

Phase 2: Eleven proposed Single-Family Residences on individually owned parcels:

- Project No. R2013-03620/Case RPP201301334: New two-story 4,119 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 46,408 sq. ft. Proposed grading includes 700 CY cut and 100 CY fill (600 CY export).
- Project No. R2013-03621/Case RPP201301335: New two-story 4,440 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 45,923 sq. ft. Proposed grading includes 100 CY cut and 500 CY fill (400 CY import).
- Project No. R2013-03622/Case RPP201301336: Case RPP: New two-story 4,407 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 49,329 sq. ft. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).
- Project No. R2013-03623/Case RPP201301337: New three-story 5,411 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 56,723 sq. ft. Proposed grading includes 350 CY cut and 0 CY fill (350 CY export).
- Project No. R2013-03624/Case RPP201301338: New two-story 3,662 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 46,311 sq. ft. Proposed grading includes 450 CY cut and 75 CY fill (375 CY export).
- Project No. R2013-03625/Case RPP201301339: New two-story 5,234 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 120,688 gross sq. ft. (78,435 net sq. ft. after storm drain easement and flood hazard area removal). Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).
- Project No. R2013-03626/Case RPP201301340: New two-story 4,407 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 48,870 sq. ft. Proposed grading includes 700 CY cut and 0 CY fill (700 CY export). A 30-foot long and 20-foot wide bridge will be constructed to jointly access Lots 21 (APN 4456-038-021) and 22 (APN 4456-038-022).
- Project No. R2013-03627/Case RPP201301341: New two-story 3,636 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 40,061 sq. ft. Proposed grading includes 420 CY cut and 0 CY fill (420 CY export).
- Project No. R2013-03628/Case RPP201301342: New two-story 4,407 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 40,098 gross sq. ft. (30,936 net sq. ft. after storm drain easement and flood hazard area removal). Proposed grading includes 320 CY cut and 0 CY fill (320 CY export).
- Project No. R2013-03629/Case RPP201301343: New two-story 5,318 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 40,478 sq. ft. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).
- Project No. R2013-03630/Case RPP201301334: New two-story 3,732 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 54,594 sq. ft. Proposed grading includes 480 CY cut and 100 CY fill (380 CY export). A 30-foot long and 20-foot wide bridge will be constructed to jointly access Lots 21 (APN 4456-038-021) and 22 (APN 4456-038-022).

Surrounding land uses and setting: The project site is located within the Santa Monica Mountains Coastal Range of unincorporated Los Angeles County along Piuma Road. There are currently 16 graded but vacant lots recorded under Tract Map 38931. The project site is about 2.75 miles north of the City of Malibu and Pacific Coast Highway, and about 5 miles south of the City of Calabasas and State Highway 101, as shown in **Figure 1**, *Regional Map*. Specifically, the project site is at the southern edge of the rural Monte Nido community and is located within the U.S. Geological Survey (USGS) 7.5' Malibu Beach topographic quadrangle map, Section 17, Township (T) 1 South (S), Range (R) 17 West (W), as shown in **Figure 2**, *Vicinity Map*. Characteristic plant communities in the area include chaparral and coast live oak woodland. Piuma and Cold Canyon Roads are the primary access roads to the project location with regional access from the west provided by Malibu Canyon Road. Surrounding land uses include rural residential development to the north and west (Monte Nido community) and open space to the south and east, including areas of the Malibu Creek State Park and the Backbone Trail. An ephemeral drainage (Little Dark Creek) flows parallel to Piuma Road at the eastern boundary of Lot 13, then north beneath Piuma Road along the eastern edge of Lot 7 and northeast corner of Lot 6, subsequently off-site to the north. The subject properties are within the Coastal Zone and have a Sensitive Environmental Resource Area (SERA) overlay of the Malibu-Cold Creek Resource Management Area in addition to two Environmentally Sensitive Habitat Areas (ESHA).

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

Public Agency	*Approval Required*
Calif. Coastal Commission	*Coastal Development Permit*
Cal Fish and Wildlife	*Possible Streambed Alteration Agreement*
U.S. Army Corp of Engrs.	*Possible 404 permit*

Major projects in the area:

Project/Case No.	*Description and Status*
TR45168	*Land Division application to create 7 single-family lots on 8.1 acres; approved 12/05/90*
OTP87-160	*Oak Tree Permit to remove one oak tree; approved 10/07/1987*

Reviewing Agencies:

Responsible Agencies

- ☐ None

Regional Water Quality Control Board:

- ☒ Los Angeles Region
- ☐ Lahontan Region

- ☒ Coastal Commission
- ☒ Army Corps of Engineers

Special Reviewing Agencies

- ☐ None
- ☒ Santa Monica Mountains Conservancy
- ☒ National Parks
- ☒ City of Malibu
- ☐ National Forest
- ☐ Edwards Air Force Base
- ☒ Mountains Recreation and Conservation Authority
- ☒ Las Virgenes Municipal Water District

Regional Significance

- ☐ None
- ☐ SCAG Criteria
- ☐ Air Quality
- ☐ Water Resources
- ☒ Santa Monica Mtns. Area
- ☐

Trustee Agencies

- ☐ None
- ☒ State Dept. of Fish and Wildlife
- ☒ State Dept. of Parks and Recreation
- ☐ State Lands Commission
- ☐ University of California (Natural Land and Water Reserves System)

County Reviewing Agencies

- ☒ DPW:
  - Land Development Division (Grading & Drainage)
  - Geotechnical & Materials Engineering Division
  - Watershed Management Division (NPDES)
  - Traffic and Lighting Division
- ☒ Fire Department
  - Forestry, Environmental Division
  - Planning Division
  - Land Development Unit
- ☒ Sanitation District
- ☒ Public Health/Environmental Health Division: Land Use Program (OWTS), Drinking Water Program (Private Wells), Toxics Epidemiology Program (Noise)
- ☒ Sheriff Department
- ☒ Parks and Recreation
- ☐ Subdivision Committee

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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: 5-7-14

Signature (Approved by) — Date: 5-7-14

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

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☒	☐	☐

The project site is visible from a scenic vista along Piuma Road to the southwest; however, the proposed new residences are within a neighborhood of existing rural residential homes. Project landscaping will include indigenous California native species to assist in transition of the built environment to the adjacent natural setting. Landscape plan to be reviewed by staff biologist as a mitigation measure.

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

The Backbone Trail is aligned east, south and west of the proposed building locations. The new residential structures will be visible from hikers that use this trail, which was dedicated in this location as a condition of the original approval of Tract Map 38931. The proposed residences are similar in design to the existing residences in the area. Project landscaping with locally indigenous species will mitigate the visual effect and provide screening.

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

The closest scenic highway is Malibu Canyon Road located about 0.75 mile west of the project site. In addition, Mulholland Highway is located about 1.5 miles north of the project site but the project site is not visible from that location. No impacts are proposed to the oak trees and no prominent rock outcroppings are present on the project site.

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 proposed new residential structures will not substantially degrade the visual quality or character of the area because they will be similar in size and scale to the existing rural residential homes in the project area.

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

The new residential structures will be an incremental source increase for light and glare. However, The homes would be located at a low elevation beneath surrounding ridgelines and within the canopies of mature oak trees resulting in a setting for minimal sunlight glare or reflection. In addition, large reflective surfaces will be avoided. Night lighting will comply with the County's Rural Outdoor Lighting District provisions requiring low light sources that are shielded and directed away from open space areas to prevent light trespass. Security lighting will be controlled by infrared motion detectors.

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.

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, with a designated Agricultural Opportunity Area, or with a Williamson Act contract?	☐	☐	☒	☐
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))?	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☒	☐
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?	☐	☐	☒	☐

a) The project site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Important Farmlands Map, California Department of Conservation, Division of Land Resource Protection, September 2011).

b) The project site is not located within a designated Agricultural Opportunity Area (Special Management Areas map from Los Angeles County General Plan) or designated with a Williamson Act contract.

c) The project site is not zoned as forest land, timberland or Timberland Production.

d) The project will not result in the loss of forest land or convert forest land to non-forest use. All oaks trees within the project site will be maintained.

e) The proposed residential project will not involve changes to the existing environment that would result in the conversion of Farmland to non-agricultural use or forestland to non-forest use because the properties are not considered Farmland or forestland.

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.

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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 proposed project is consistent with the County of Los Angeles General Plan and will not conflict with or obstruct implementation of the 2012 Air Quality Management Plan of the South Coast Air Quality Management District (SCAQMD).

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

The proposed residential project will comply with current air quality control standards including control of fugitive dust during construction (Rule 403) and will not contribute substantially to an air quality violation.

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 proposed 16 single-family residential project should not result in a cumulatively considerable increase in ozone or PM2.5 for which the Los Angeles South Coast Air Basin is in non-attainment because size and phasing of the project (five homes in the initial phase with 11 homes in a second phase) should not exceed current thresholds. Will consult with SCAQMD.

d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐

The existing rural residences near or adjacent to the project site will not be exposed to substantial pollutant concentration such as particulate matter or other air contaminants since the project construction will be of short duration and phased over two construction periods.

e) Create objectionable odors affecting a substantial number of people?	☐	☒	☐	☐

The proposed project is a residential land use that will not create objectionable odors that may affect a substantial number of people. However, mitigation measures for dust control and diesel fuel emmissions will be implemented for project during construction phase.

4. BIOLOGICAL RESOURCES

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐

The project site does not host any Federal or State-listed threatened or endangered plant or wildlife species. Fish's milkwort (*Polygala cornuta* var. *fishiae*), a California Native Plant Society (CNPS) Rank 4.3 species was observed on the project site outside of the development footprint (Biological Resources Assessment, Monte Nido Estates Project prepared by PCR Services Corporation, October 2012). The small on-site population of this species occurs on Lot 16 and within the proposed fuel modification zone for Lots 16 and 17. In addition, two sensitive wildlife species of special concern, the turkey vulture and oak titmouse, were observed on-site. Several other species were considered to have potential to occur, including a low potential for 11 species (Santa Monica shieldback katydid, San Bernardino ringneck snake, San Diego mountain kingsnake, coast horned lizard, pallid bat, western mastiff bat, western red bat, hoary bat, western small-footed myotis, Yuma myotis, and American badger), a moderate potential for three species (Santa Monica grasshopper, Southern California rufous-crowned sparrow, and Bell's sage sparrow), and a high potential for three species (coastal western whiptail, Cooper's hawk and San Diego desert woodrat). The habitat loss for these species as a result of the Project would not be expected to impact their continued existence on the site or in the region. This is due to the avoidance of direct habitat impacts on-site and the presence of open space areas adjacent to the Project site. For the species of special concern, namely San Diego mountain kingsnake, coast horned lizard, pallid bat, western mastiff bat, San Diego desert woodrat and American badger, impacts would be considered adverse but less than significant with the proposed direct habitat avoidance, exclusive of fuel modification. In addition, the project proponent will dedicate about 9.8 acres of natural open space proximate to the project site on the east after plot plan development approvals are granted.

The project site supports potential nesting and foraging habitat for migratory birds, in addition to potential open foraging habitat for raptors. Nesting habitat consists primarily of woodland and shrub areas totaling approximately 6.9 acres or 45 percent of the total site acreage (including 0.93 acre of Parcel 5), consisting of 3.01 acres of coast live oak woodland, 3.39 acres of chamise chaparral, and 0.47 acre of birchleaf mountain mahogany/greenbark ceanothus chaparral. Of this, approximately 6.74 acres, or 98 percent, of the total woodland and scrub habitat will avoid direct impact but will be impacted by the fuel modification plan. Direct impacts to the migratory and nest bird species would be avoided through compliance with the Migratory Bird Treaty Act (MBTA) and the Fish and Game Code Sections 3503, 3503.5 and 3513. The staff biologist will coordinate nesting bird surveys and review the proposed landscape and fuel modication plan as mitigation for impacts to nesting bird species.

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 CDFW or USFWS?

The project site does not support any sensitive plant communities as designated by CDFW. Impacts to sensitive plant communities would be considered less than significant with the proposed direct habitat avoidance, exclusive of fuel modification.

The project supports riparian habitat within drainages that are considered jurisdictional pursuant to CDFW. No direct impacts are proposed to these jurisdictional drainages, although compliance with permit requirements maybe necessary depending on the design of the bridge to access driveways for Lots 21 and 22. The Project proposes to avoid direct impacts by placing the footing of the bridge outside of both USACE and CDFW jurisdictional areas although temporary construction impacts may require regulatory permitting. The applicant will be required to check with CDFW and USACE for jurisdictional requirements.

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?** ☐ ☒ ☐ ☐

No federally protected wetlands occur on-site. The Project site does, however, support non-wetland, ephemeral USACE/RWQCB "waters of the U.S." that are regulated pursuant to Section 404 and 401 of the Clean Water Act. The project also supports riparian habitat within drainages that are considered jurisdictional pursuant to CDFW. No direct impacts are proposed to these jurisdictional drainages, although compliance with permit requirements maybe necessary depending on the design of the bridge to access driveways for Lots 21 and 22. The Project proposes to avoid direct impacts by placing the footing of the bridge outside of both USACE and CDFW jurisdictional areas although temporary construction impacts may require regulatory permitting. The applicant will be required to check in with CDFW and USACE for jurisdictional requirements.

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 project site supports potential live-in and movement habitat for species on a local scale but the site likely provides little to no function to facilitate wildlife movement for wildlife species on a regional scale, and is not identified as a regionally important dispersal or seasonal migration corridor. Project implementation would result in disturbances to local wildlife movement within the project site, but those species adapted to disturbed areas would be expected to persist on-site following construction, particularly within the proposed open space areas. As such, impacts to wildlife movement would be less than significant.

The project site has the potential to support migratory birds and songbird nests due to the presence of native shrubs and trees. The project will comply with MBTA and Fish and Game Code provisions to prevent impacts during construction to nesting and migratory birds. The staff biologist will coordinate nesting bird surveys and review the proposed landscape and fuel modification plan to mitigate for any impacts to nesting bird species.

e) 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, Joshua trees, southern California black walnut, etc.)?	☐	☐	☒	☐

The project site supports 3 acres of coast live oak woodland habitat scattered throughout the 16 parcels. The proposed project would avoid direct impacts to oak trees; however, fuel modification implementation would remove 2.74 acres of disturbed understory throughout the on-site oak woodland habitat. A few scattered individuals of southern California black walnut occur within the native chaparral communities outside the development footprint.

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 project site lies within the Coastal Zone and is almost completely within the Malibu/Cold Creek Resource Management Area and is overlain with two ESHAs. Residential uses at existing parcel densities are permitted uses within the Malibu/Cold Creek Resource Management Area. The project must also comply with the requirements of the tract map Coastal Development Permit (CDP 5-83-4). The individual residences must comply with the policies of the Malibu Coastal Land Use Plan and the Table 1 development standards. Setbacks from ESHA will be less than 100 feet in some locations, which is authorized under the special conditions of the CDP 5-83-4, which set a lesser setback of 50 feet for the project. Lot 6 shows a setback of only 80 feet from the mapped ESHA, which was mismapped in the 1986 plan. The residence on Lot 6 is proposed to be located 150 feet from the drainage to the east of the property and flows within the northeast corner of the parcel. Lot 7 is mapped with an ESHA through the middle of the graded building pad; however, the actual drainage for which the ESHA was designated is from 50 to 150 feet to the east of the mapped ESHA, averaging about 98 feet in displacement. The graded building pad varies from 50 to 110 feet from the bottom of the drainage with the proposed residential structure another average of 20 feet away from the drainage, demonstrating consistency with the approved CDP 5-83-4 setback requirements. Similarly, Lot 13 development would be setback only 60 feet of the mapped ESHA, which in this location is mapped over Piuma Road. The actual development setback for Lot 13 from the drainage course to the east is 180 feet. Lot 19 would have development setback about 130 feet from the mapped ESHA on the western portion of the project site. Lot 18 development would be setback about 120 feet from the mapped ESHA. Lot 20 proposes a development setback of 85 feet from the mapped ESHA, which is in compliance with the CDP Special Condition. Lot 21 proposes a building development setback of 90 feet. Lot 22 would have a

building setback of approximately 35 feet from the mapped ESHA. Compliance with the Special Conditions of CDP 5-83-4 and the general provisions of the policies of the Malibu Coastal Land Use Plan would reduce impacts to coastal land use policies to a less than significant level. ERB review of the five plot plans of Phase 1 occurred on 19 November 2012; the project was found to be consistent after modifications.

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

The project site does not occur within the limits of any adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan. However, mitigation measures shall be implemented to ensure protection of native speices and habitat associted with the project site.

Recommended Mitigation Measures:

Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features on Lots 21 and 22, the project applicant shall, where warranted by the appropriate agencies, obtain a Clean Water Act (CWA) Section 404 permit from the USACE, a CWA Section 401 permit from the RWQCB, and Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFW. The only portion of the project site where crossing of a jurisdictional feature occurs is the proposed bridge to access Lots 21 and 22 in the southwestern portion of the project site.

Prior to the issuance of any grading permit that would require removal of potential habitat for raptor and songbird nests, the project applicant shall demonstrate to the satisfaction of the County of Los Angeles and the Coastal Commission that either of the following have been or would be accomplished.

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the greatest extent feasible, to avoid potential impacts to nesting birds; or

2. It is recommended that if activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Cooper's hawks or hummingbirds) and from mid-March through September for most bird species, the applicant have a qualified biologist conduct surveys for any and all active nests. Pre-construction nesting bird surveys should be conducted weekly, within 30 days prior to initiation of ground-disturbing activities to determine the presence of active nests. The surveys should continue on a weekly basis with the last survey being conducted no more than three days before the start of clearance/construction work. Surveys should include examination of trees, shrubs, and the ground, within grasslands, for nesting birds, as several bird species known to the area are shrub or ground nesters, including mourning doves. If ground-disturbing activities are delayed, additional pre-construction surveys are recommended so that no more than three days will have elapsed between the survey and ground-disturbing activities.

   It is recommended that, if active nests are located during pre-construction surveys, clearing and construction activities within 50 feet of the nest (100 feet for raptors) be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest should be established in the field with flagging, fencing, or other appropriate

barriers and construction personnel should be instructed on the sensitivity of nest areas. The biologist should serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. It is recommended that the results of the survey, and any avoidance measures taken, be submitted to the CDFW within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

3. Security fencing for the residences is to be limited to fuel-modification zone A/B; any property perimeter fencing shall be wildlife friendly and accommodate the movement of all wildlife in the area. Fencing details shall be approved as part of the residential Plot Plans.

4. Outdoor lighting shall be minimized in observance of Rural Lighting District standards. All security lighting shall be operated by motion-detectors and shielded so as not to illuminate adjacent natural areas.

5. Large reflective surfaces shall be avoided. This provision shall be reviewed as part of the residential Plot Plan.

6. Landscape/fuel modification plans for each residence shall be reviewed and approved by DRP prior to the issuance of a building permits; landscaping shall provide a visual screening and erosion-preventative function. New landscaping shall consist only of locally indigenous native plants outside of fuel-modification zone A/B.

5. CULTURAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?	☐	☐	☒	☐

The project site does not contain any historical resources and no change in the significance of any historical resource would occur.

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

The project site consists of 16 graded building pads and no additional significant landform alterations are proposed. As a consequence of earth movement being limited to finish grading, no substantial adverse change to archaeological resources would occur and no archaeological resources are currently known from the project site.

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

The project site consists of 16 graded building pads and no additional significant landform alterations are proposed. As a consequence of earth movement being limited to finish grading, no destruction of paleontological resources or geologic features would occur and no unique paleontological resources or geologic features are currently known from the project site.

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

The proposed project would limit earth movement to finish grading with the exception of excavation for swimming pools. The project site is not known to possess human remains. In the unlikely event of discovery or recognition of any human remains in any location on the project site during excavation, the project proponent would comply with California Health and Safety Code Section 7050.5 by cessation of further excavation or disturbance of the site until the County coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code.

6. ENERGY

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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 proposed project would demonstrate compliance with the Green Building Ordinance and the Drought Tolerant Landscaping Ordinance at the time of building permit issuance and, consequently, the project would not conflict with these ordinances.

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

The proposed 16 single-family residences on existing graded parcels would make efficient use energy resources with project design features consistent with the provisions of the Green Building Ordinance, such as efficient building envelopes, high-performance materials and energy-efficient appliances.

7. GEOLOGY AND SOILS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction and lateral spreading?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

The project site is not located with an Alquist-Priolo Earthquake Fault Zone (Source: Malibu Beach Quadrangle, Earthquake Fault Zone Map, August 16, 2007). The project site is located about 1.5 miles north of the Malibu Coast Fault.

The closest known fault is the Malibu Coast Fault located about 1.5 miles south of the project site Source: Fault Rupture Hazards and Historic Seismicity Safety Element Map [Plate 1], Los Angeles County General Plan, 1980).

The project site is not located within an identified liquefaction area (Source: Malibu Beach Quadrangle, Seismic Hazard Zones Map, October 17, 2001).

The project site contains a small area on Lots 18 and 19 designated as an earthquake-induced landslide area (Source: Malibu Beach Quadrangle, Seismic Hazard Zones Map, October 17, 2001). Project would comply with all Building Code requirements for structural safety to reduce seismic hazard danger.

The project site consists of 16 existing vacant building pads surrounded by hillsides covered with native vegetation. Each building pad consists of existing compacted fill overlying Conejo Volcanics bedrock (Source: Responses to County of Los Angeles Department of Public Works Soils Engineering and Geologic Review Sheets, Lots 17-22, Tract 38931, Piuma Road, Calabasas, prepared by Gold Coast Geoservices, Inc. January 31, 2013 and Responses to County of Los Angeles Department of Public Works Soils Engineering and Geologic Review Sheets, Lots 1-4, 6, 13-16, Tract 38931, Piuma Road, Calabasas, prepared by Gold

Coast Geoservices, Inc. January 29, 2013). Fuel modification will remove some of the existing vegetation but would not result in substantial soil erosion.

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 site consists of 16 existing vacant building pads surrounded by hillsides covered with native vegetation. All building pads consist of existing compacted fill overlying Conejo Volcanics basaltic bedrock and proposed structures would be safe against hazard from landslide, settlement, or slippage, and that the proposed construction would have no adverse geologic effect on offsite properties (Source: Responses to County of Los Angeles Department of Public Works Soils Engineering and Geologic Review Sheets, Lots 17-22, Tract 38931, Piuma Road, Calabasas, prepared by Gold Coast Geoservices, Inc. January 31, 2013 and Responses to County of Los Angeles Department of Public Works Soils Engineering and Geologic Review Sheets, Lots 1-4, 6, 13-16, Tract 38931, Piuma Road, Calabasas, prepared by Gold Coast Geoservices, Inc. January 29, 2013).

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?** ☐ ☐ ☒ ☐

The project site consists of compacted fill overlying Conejo Volcanic bedrock (Source: Engineering Geologic Materials Safety Element Map [Plate 2], Los Angeles County General Plan, 1980). There are no expansive soils on the project site.

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

The proposed project would use Onsite Wastewater Treatment System (OWTS) consisting of seepage pits. All sites are underlain by basalt bedrock assigned to the Conejo Volcanics. Percolation test results verify the feasibility of constructing an OWTS for each lot in conformance with current Los Angeles County Department of Public Health regulations, including siting seepage pits at locations that are setback at least 150 feet from the drainage course (Source: Percolation Test Results and Feasibility Study of Onsite Wastewater Treatment Systems for Proposed Single Family Residences, Lots 1-4, Lot 6, and Lots 8-22, Tract 38931, Piuma Road, Calabasas, Los Angeles County prepared by Gold Coast Geoservices, Inc. July 28, 2011 and Percolation Test Results and Onsite Wastewater Treatment System Design Report for Proposed Single Family Residence and Detached Guest Suite, Lot 7, Tract 38931,25617 Piuma Road, Calabasas, County of Los Angeles prepared by Gold Coast Geoservices, Inc. February 8, 2012).

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 site includes 16 existing graded building pads, all of which are essentially flat. Areas of the project site with slopes greater than 25% are confined to the southern portion where no development is proposed consistent with the Hillside Management development criteria.

8. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The proposed project consists of 16 single-family residences constructed on existing building pads on parcels zoned for single-family residential use. The project would not generate greenhouse gas emissions that would have a significant environmental impact as compliance with the Green Building Ordinance would result greater energy efficient usage.

The proposed residential project would not conflict with any plan or policy that has been adopted to reduce greenhouse gas emissions. The project would demonstrate compliance with the Green Building Ordinance prior to issuance of building permits.

9. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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 propose to store, transport, produce, use or dispose of hazardous materials.				
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 proposed single family residential use would not create a significant public hazard and would not accidentally release hazardous materials into the environment.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?	☐	☐	☒	☐
The proposed single family residential use would not emit or use hazardous materials that could pose a threat to surrounding properties.				
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 project site consists of 16 graded building pads ready to construct single family residences and the site is not listed as a hazardous materials site. There is no potential for the proposed project to create a significant hazard to the public.				
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 project site is not within an airport land use plan, within two miles of a public or private use airport, or within the vicinity of a private airstrip. In addition, the proposed project would not result in a safety hazard for people residing in the area.				
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?	☐	☐	☐	☒
The project site is not located within the vicinity of a private airstrip and would not constitute a safety hazard for people residing or working in the project area.				

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

The project site consists of 16 graded but undeveloped building pads located within a rural residential community. Piuma Road is the primary access to the project site and the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

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 project site is located in a very high fire hazard severity zone. Primary access is provided from Piuma Road, which provides emergency access to both current and future residents in the area for emergency vehicles. Fire Station #67 at 25801 Piuma Road is less than one-eighth mile west from the project site. Each of the 16 residential homes would be required to provide fuel modification clearance around each habitable structure.

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

Access to the project site is from Piuma Road, a commonly traveled public roadway. All lots have direct access to Piuma Road, from which egress may use either Cold Canyon Road or Malibu Canyon Road further to the west.

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

The project site is served by the Las Virgenes Municipal Water District and fire flow standards are adequate in this area. In addition, fire hydrants are available to serve the project site and the proposed residential homes.

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

The project area is rural residential with scattered single-family homes, surrounded by thick vegetation which poses a high fire hazard should it burn. A fuel-modification plan, to be reviewed and approved by the Department's staff biologist, will be designed to properly thin out surrounding native vegetation. The fuel modification plan shall be designed to mitigate impacts to native vegetation, while ensuring protection from Fire hazard.

i) Does the proposed use constitute a potentially dangerous fire hazard? ☐ ☐ ☒ ☐

The proposed project is for the construction of 16 single-family residences, which do not constitute a potentially dangerous fire hazard.

10. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

The project area has tributaries to Dark Canyon and Malibu Creek and is part of the Malibu Creek watershed, which is the second largest watershed draining into the Santa Monica Bay and the watershed with the largest area of significant natural resources. Runoff resulting from impervious surfaces has been reported to be the largest single contributor to water pollution in the Santa Monica Bay. The proposed project will be required to comply with MS4 permit requirements. Los Angeles County Public Health has granted conceptual approval for feasibility of Onsite Wastewater Treatment Systems (OWTS) on Lots 1 through 4, Lot 6, and Lots 8 through 22. However, Lot 7 has not been approved for development due to recent changes in the County Plumbing Code requiring a setback of 150 feet from blue line streams. Lots 8, 9, 10, 11, and 12 will not be developed and will be retired for open space conservation purposes.

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)?	☐	☐	☒	☐

Water service to the project site will be provided by the Las Virgenes Municipal Water District, which would eliminate the need for on-site water wells and the potential to deplete groundwater supplies. The area is not known to have water quality problems. A water "will serve letter" will be required.

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?	☐	☒	☐	☐

The proposed project is required to comply with new MS4 permit and low impact development (LID) requirements. Limited grading and construction activities could potentially result in impacts to storm water runoff. A previous stormwater pollution prevent plan (SWPPP) was implemented on the existing graded building pads. New construction activities would implement new MS4 permit requirements. All new grading will require compliance with MS4 and LID requirements, and mitgation measures shall be implemented to control runoff into streams which traverse the property. The applicant will be required to check in with Cal Fish and Wildlife for Streambed Alteration Agreement requirements, and with the U.S. Army Corp of Engineers (USACE) for 404 permit requirements.

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?

Project development would occur on existing graded building pads on approximately 2.6 acres of the site with the remainder of the project site to remain undeveloped. The project does not propose alteration of existing drainage patterns. Drainage patterns would continue to flow to the west toward Malibu Creek. Project drainage would not substantially modify the existing drainage patterns for the area. The applicant will be required to check in with Cal Fish and Wildlife and USACE for any jurisdictional requirements over on-site drainage or discharge/runoff into creeks within their jurisdiction.

e) Add water features or create conditions in which standing water can accumulate that could increase habitat for mosquitoes and other vectors that transmit diseases such as the West Nile virus and result in increased pesticide use? ☐ ☐ ☒ ☐

No uses are proposed with the residences that would create standing water.

f) 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? ☐ ☐ ☒ ☐

Project development would occur on existing graded building pads on approximately 2.6 acres of the site with the remainder of the project site to remain undeveloped. The project would not substantially alter existing drainage patterns on the project site and runoff would not be expected to exceed existing capacity for stormwater drainage. The proposed project would not provide substantial additional sources of runoff pollutants.

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

The proposed project will be required to comply with MS4 permit and LID requirements. Mitigation measures for runoff control shall be implemented during construction to conmtrol runoff into streambeds that traverse the project site, along with implementation of LID requirements for the project development. No polluted runoff will be produced as mitigation measures require that all toxic materials (i.e. paints, glues) used during construction will be required to be stored inside a proper storage container.

h) 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 proposed project will be required to comply with MS4 permit and LID requirements. Review of the drainage concept/LID plan will be required as part of the Department of Public Works' Land Development Division's Site Plan Review, preceding the issuance of any project grading or building permits.

i) Result in point or nonpoint source pollutant ☐ ☒ ☐ ☐

discharges into State Water Resources Control Board-designated Areas of Special Biological Significance?

The closest designated Area of Special Biological Significance (ASBS) to the project site is the Laguna Point to Latigo Point ASBS, about five miles to the southwest. The Laguna Point to Latigo Point ASBS is located in both Los Angeles and Ventura counties. It is the largest of the mainland ASBS in Southern California, with 24 miles of coastline and 11,842 acres of marine habitat. There would be no direct point or nonpoint source pollutants discharged from the proposed project that would reach this ASBS. Mitigation measures shall be implemented to control runoff and prevent any polluted runoff into streambeds that traverse the project area.

j) 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)?	☐	☐	☒	☐

The proposed project would use private Onsite Wastewater Treatment System (OWTS) consisting of seepage pits. All sites are underlain by basalt bedrock assigned to the Conejo volcanics. Percolation test results verify the feasibility of constructing an OWTS for each lot in conformance with current Los Angeles County Department of Public Health regulations, with the exception of Lot 7 which is not approved and may be deemed unbuildable. The siting of seepage pits are at locations that are setback at least 150 feet from the drainage course (Source: Percolation Test Results and Feasibility Study of Onsite Wastewater Treatment Systems for Proposed Single Family Residences, Lots 1-4, Lot 6, and Lots 8-22, Tract 38931, Piuma Road, Calabasas, Los Angeles County prepared by Gold Coast Geoservices, Inc. July 28, 2011. Percolation Test Results and Onsite Wastewater Treatment System Design Report for Proposed Single Family Residence and Detached Guest Suite, Lot 7, Tract 38931,25617 Piuma Road, Calabasas, County of Los Angeles prepared by Gold Coast Geoservices, Inc. February 8, 2012).

k) Otherwise substantially degrade water quality?	☐	☒	☐	☐

The proposed project must comply with MS4 and LID requirements. The project site is part of the Malibu Creek watershed, which is the second largest watershed draining into the Santa Monica Bay and the watershed with the largest area of significant natural resources. Runoff resulting from impervious surfaces has been reported to be the largest single contributor to water pollution in the Santa Monica Bay. Mitigation measures for runoff control shall be implemented to protect local streams that traverse the project area from erosion or polluted discharg.

l) 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 project site is not located within a federal Flood Hazard Boundary or a flood hazard area on a federal Flood Insurance Rate Map (Source: Flood Insurance Rate Map, Panel 1529F [Map Number 06037C1529F], September 26, 2008). However, the County has designated four flood hazard areas on the project site, the east side of Lot 13, the boundary area between Lots 17, 18 and 19, a drainage channel through Lots 18, 20, 21 and 22, along the project site western boundary through Lots 21 and 22, through a major section of Lot 7 and and a minor section of Lots 6 and 8. All residences are proposed outside these flood hazard areas.

m) Place structures, which would impede or redirect flood flows, within a 100-year flood hazard area,	☐	☐	☒	☐

floodway, or floodplain?

The County has designated four flood hazard areas on the project site, the east side of Lot 13, the boundary area between Lots 17, 18 and 19, a drainage channel through Lots 18, 20, 21 and 22, and along the project site western boundary through Lots 21 and 22, through a major section of Lot 7 and a minor section of Lots 6 and 8.. All residences are proposed outside these flood hazard areas and no flood flows would be impeded. A bridge is proposed to access Lots 21 and 22 and this would be placed within a flood hazard zone. The proposed bridge would replace an existing temporary construction bridge and would be designed to allow the passage of flood flows within a 100-year flood event. A Streambed Alteration Agreement will be applied for with California Fish and Wildlife, and a 404 permit with the USACE.

n) 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 project site is not located in an area with levees or downstream from a dam that could fail. Therefore, potential residents in the proposed homes would not be exposed to flooding as a result of a levee or dam failure.

o) Place structures in areas subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

The project site is not located in area subject to inundation by seiche, tsunami or mudflow. There would be no impact caused by or to this project. Erosion control measures shall be implemented.

11. LAND USE AND PLANNING

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐

The proposed project is at the edge of an existing rural residential community with single-family homes in the immediate area. The project would not physically divide an established community.

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?	☐	☐	☒	☐

The proposed project is consistent with the Malibu Local Coastal Land Use Plan (LUP), which allows single-family residences to be constructed on existing parcels at the current density.

c) Be inconsistent with the County zoning ordinance as applicable to the subject property?	☐	☐	☒	☐

The proposed project would be consistent with the existing zoning of A-1-1 (light agriculture) that allows the construction of one single-family residence with appurtenant structures.

d) Conflict with Hillside Management criteria, Significant Ecological Areas conformance criteria, or other applicable land use criteria?	☐	☐	☒	☐

The proposed project does not conflict with the Hillside Management criteria as all residences are proposed on existing level and graded building pads. The project site is located within the Malibu Creek SEA Buffer (but not the Malibu Creek SEA) in addition to the Malibu/Cold Creek Resource Management Area.

12. MINERAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☒	☐

The project site is not located within a known mineral resource area and no mineral resources are recorded from the project site.

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 project site is not located within a locally important mineral resource recovery site or within a Mineral Resource Zone as mapped by the County of Los Angeles (Source: County of Los Angeles Draft General Plan, Chapter 6 Conservation and Open Spaces Element, Figure 6.5, Natural Resource Areas, 2008). No impact to mineral resources would occur.

13. NOISE

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project result in:				
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?	☐	☒	☐	☐

The project site is within a rural residential community. The proposed project could temporarily increase noise levels during construction in excess of standards established by the County noise ordinance. However, the project would comply with the County noise ordinance for construction noise and schedule limitations, and mitigation measures would further restrict construction hours.

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

The project site is within a rural residential community. The proposed project would comply with the County noise standards and mitigation measures during construction and no excess groundborne vibration or noise would be expected.

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 proposed 16-lot residential project would not be expected to cause a substantial increase in ambient noise levels. Residential-type noise sources are not unique and generally contribute to ambient noise levels experienced in all residential areas. Noise levels for residential areas are typically between 48 to 52 dB(A) CNEL. (Source: U.S. Environmental Protection Agency, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, March 1974.)

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?	☐	☐	☒	☐

Short-term construction activities could result in temporary increases in ambient noise levels at the project site, caused by the use of haul trucks, heavy equipment, and power tools. The project must comply with the County noise ordinance and mitigation measures for construction noise and schedule limitations. The proposed project would not create a substantial temporary increase in ambient noise levels.

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?

The project site is not located within an airport land use plan or within the vicinity of an airport or airstrip.

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?	☐	☐	☐	☒

The project site is not located within the vicinity of a private airstrip and would not expose people residing in the project area to excessive noise levels..

14. POPULATION AND HOUSING

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
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)?	☐	☐	☒	☐

The proposed 16-lot residential project would not induce substantial increase in population growth in the Monte Nido community. The project is the construction of single-family residential homes on existing lots zoned for this land use.

b) Displace substantial numbers of existing housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The project site consists of 16 undeveloped lots, each permitted for one single family residence, for which rough grading has already taken place. No completed dwelling units exist on the project site and there is no potential for displacement nor need for replacement housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The project site consists of 16 undeveloped lots, each permitted for one single family residence, for which rough grading has already taken place. No completed dwelling units exist on the project site and there is no potential for displacement of people.

d) Cumulatively exceed official regional or local population projections?	☐	☐	☒	☐

The proposed project would be the construction of 16 single-family residences on 16 existing parcels. Therefore, there is no net increase in residential capacity.

15. PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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? ☐ ☐ ☒ ☐

The closest fire facility to the project site is Fire Station #67 at 25801 Piuma Road is less than one-eighth mile west from the project site. The demand for fire protection service with the construction of 16 new single-family residences would not substantially increase nor create capacity problems. Approval condition will require that fire protection fees be collected and the project proponent will be required to check in with the offices of Fire Protection Services.

Sheriff protection? ☐ ☐ ☒ ☐

The nearest LA County Sheriff Station is the Malibu/Lost Hills station located 8 miles northwest of the project site in the City of Calabasas. The proposed 16 new homes of the project would be located immediately adjacent to existing homes that are currently served by this same Sheriff Station in Calabasas. It is not anticipated that the demand for sheriff protection services from the proposed 16 residential units would result in new demand for physical or staff resources associated with sheriff protection.

Schools? ☐ ☐ ☒ ☐

The proposed residential project would increase the existing Monte Nido rural residential community with 16 single-family residences. The single family residential project would result in an incremental increase demand for schools space but would not result in a substantial adverse physical impact on school services.

Parks? ☐ ☐ ☒ ☐

The proposed residential project of 16 new single family residences would incrementally increase demand for park space and services within the project area. The original approval of Tract 38931 included the dedication of public open space, including the dedication of land for the construction of the Backbone Trail in this area. The project would not result in a substantial adverse physical impact to park or recreation services.

Libraries? ☐ ☐ ☒ ☐

The proposed project would be served by the Los Angeles County Public Library system. The proposed addition of 16 new single family residences would incrementally increase the demand for local library services. The 16 new residences would comply with the provisions of County Planning and Zoning Code Chapter 22.72 Library Facilities Mitigation Fee.

Other public facilities? ☐ ☐ ☒ ☐

No others identified

16. RECREATION

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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 proposed 16 single-family residences would be an incremental increase in the need for recreational facilities. However, the project area is abutting State Park Land connected with Malibu Creek State Park. In addition and as part of Development Agreement between the developer and the County of Los Angeles executed in March of 2013, Lots 8, 9, 10, 11 and 12 are slated for future retirement from further development, adding to open space conservation in connection with State Park land. There would be no significant impact or increased physical deterioration of regional recreational facilities as a result of the proposed project. Tract 38931 is a recorded Tract Map which at the time of its recordation did not require dedication of parkland or in-lieu fees (i.e Quimby fees). The retirement and recordation of the future open space lots are part of the Development Agreement and a pending modification to the recorded map for the open space lots.

b) Does the project include neighborhood and regional parks or other recreational facilities or require the construction or expansion of such facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

The proposed project is for the construction of 16 single-family residences on 16 existing parcels, which would be consistent with the County General Plan and the Malibu Coastal LCP. The residential project would result in the future retirement of Lots 8, 9, 10, 11 and 12 for open space conservation in connection with State Park Land which abuts the project area. No construction or expansion of physical recreational facilities (e.g. club houses, public pools) are proposed or required. According to the National Parks Service Trails Inventory Data, the Backbone Trail traverses the project site, per the Trail Report dated April 24, 2014, and adjacent public land. In addition, the Backbone Trail connects to a proposed and existing network of regional trails which are a part of the County's Mult-Use Trail System.

c) Would the project interfere with regional open space connectivity?	☐	☐	☒	☐

The proposed residential project would add up to 16 new single family residences on existing graded building pads to a rural residential community, adjacent to several existing single family residences and State Park Land. There is currently regional open space connectivity between State Park land to north of and including sections of Lot 9, 10 and 11, and to State Park land across Piuma Road to the south of Lots 13, 14, 15, 17, 18 and 21. Open space connectivity would increase with the project with the future retirement of Lot 8, all of Lot 9 and 10, Lot 11 and 12.

17. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☒	☐

The proposed residential project would add 16 new single family residences to the project area, adjacent to existing single family residences. The proposed project would be consistent with the Malibu Coastal LUP and the property zoning. The proposed project would not result in conflict with an applicable transportation or circulation plan. The proposed project would incrementally increase traffic on existing roadways but there would be less than significant impact associated with the additional 16 new residential units.

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 proposed project would construct 16 single family residences on existing parcels within a rural residential community, adjacent to existing single family residences. The proposed project would not add 50 peak hour trips to a CMP highway system intersection or 150 peak hour trips to a mainline freeway. Therefore, the project would not exceed the Traffic Impact Analysis threshold for CMP highway system intersections or mainline freeways.

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?	☐	☐	☐	☒

The project site is not located within the vicinity of an airport and would not change any air traffic patterns

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

The proposed residential project will have ingress to and egress from Piuma Road directly, and will require realignment and reconstruction of the Piuma Road and Woodbluff Road intersection per the approved tentative tract modification. The improvements to the intersection will improve traffic flow and increse the safety of the intrescion. Road improvements along the frontage of the subdivision on Piuma Road and

Woodruff Road were waived due to the oak trees impacts for the subdivision. No significant impacts will result. All line-of-sight distance requirements for safe egress and ingress will be met.

e) **Result in inadequate emergency access?**	☐	☐	☒	☐

The project emergency access requirements will be implemented consistent with the standards of Los Angeles County Fire Department. The project design will require fire equipment access within 150 feet of all structures. The project would not result in an emergency access impact from the proposed project.

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?**	☐	☐	☒	☐

The proposed project would not interfere with an existing bikeway plan, pedestrian plan, or public transportation development standards in the County General Plan Mobility Element. Therefore, there will be no impact from the proposed project.

18. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
Would the project:				
a) Exceed wastewater treatment requirements of either the Los Angeles or Lahontan Regional Water Quality Control Boards?	☐	☐	☒	☐

The project site is not currently served by a sewage system. The project proposes a private onsite wastewater treatment system as the project site is not served by a public wastewater facility. The proposed project would not increase the amount of sewage treated by the Las Virgenes Municipal Water District at its treatment plant.

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?	☐	☐	☒	☐

The project site is not currently served by a sewage system and proposes the use of private onsite wastewater treatment systems. Percolation test results verify the feasibility of constructing an OWTS for each lot in conformance with current Los Angeles County Department of Public Health regulations, including siting seepage pits at locations that are setback at least 150 feet from the drainage course (Source: Percolation Test Results and Feasibility Study of Onsite Wastewater Treatment Systems for Proposed Single Family Residences, Lots 1-4, Lot 6, and Lots 8-22, Tract 38931, Piuma Road, Calabasas, Los Angeles County prepared by Gold Coast Geoservices, Inc. July 28, 2011 and Percolation Test Results and Onsite Wastewater Treatment System Design Report for Proposed Single Family Residence and Detached Guest Suite, Lot 7, Tract 38931, 25617 Piuma Road, Calabasas, County of Los Angeles prepared by Gold Coast Geoservices, Inc. February 8, 2012). The proposed project would not increase the amount of sewage treated by the Las Virgenes Municipal Water District at its treatment plant. In addition, the 16 new single-family residences would not create a water supply capacity problem for the Las Virgenes Municipal Water District.

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?	☐	☐	☒	☐

The project site is currently partially developed with graded pads but no structures. Development would occur on approximately 2.6 acres of the project site with the remaining areas would stay in the current condition. There are two drainage courses on the project site, both of which will remain in a natural condition. The proposed project would comply with the Low Impact Development standards that improve groundwater infiltration. The project would not substantially alter existing drainage patterns on the project site and runoff would not be expected to exceed existing capacity for stormwater drainage. Project impacts are considered to be less than significant.

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 Las Virgenes Municipal Water District would be responsible for supplying water to the project site. Water service is currently provided to each of the parcels, which have water meters already installed. The residential and landscape components of the proposed project would incrementally increase demand on public water supply services in the Santa Monica Mountains area. Project impacts on public water supply would be less than significant because the proposed project is consistent with the density allowed under the County's General Plan and the Malibu Coastal LUP.

e) 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? ☐ ☐ ☒ ☐

Utility services are not currently in place on the project site, but they are currently provided in the surrounding area and exist within the Piuma Road utility easement. The residential components of the proposed project would incrementally increase demand on utility services in the Santa Monica Mountains area by 16 additional single family residences. Project impacts would not create capacity problems and would be less than significant.

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

Implementation of the proposed project would incrementally increase demand on available solid waste disposal capacity in the County by 16 additional single family residences. The proposed project density is consistent with the County's General Plan Housing Element and would cause a less than significant impact on landfill capacity.

g) Comply with federal, state, and local statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

Implementation of the proposed project would incrementally increase demand on available solid waste disposal capacity in the County, consistent with the County General Plan Housing Element. The proposed project would comply with all federal, state, and local statutes regulating solid waste. The proposed project would have a less than significant impact on solid waste statutes and regulations.

19. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	*Less Than Significant Impact with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
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 proposed residential project is located within an existing rural residential community. Through implementation of project mitigation measures, the potential of the project to substantialy degrade the quality of the environment, substantially reduce the habitat for a fish or wildlife species, cause a plant community, fish or wildlife population to be eliminated, or substantially reduce the number of a rare or endangered species will be less than significant. A Mitigation Monitoring and Reporting Program will be fully employed.

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

The proposed residential project would not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐

The proposed residential project will require mitgation for intersection improvements to accomdate project related traffic flow, and re-landscaping of disturbed areas to reduce cumulatively considerable impacts on the environment to less than significant.

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

Through project mitigation, the proposed residential project would not cause substantial adverse effects on human beings.

MITIGATED NEGATIVE DECLARATION

PROJECT NUMBERS: R2012-02436 to R2012-02440 & R2013-03620 to R2013-03630

CASE NUMBERS: RPP 201200970 to RPP 201200974 & RPP 201301334 to RPP 201301344; RENV 201200258

1. **DESCRIPTION:**
   Project proposal to construct new single-family residences on up to 16 lots of recorded Tract Map No. 38931. Lots 1, 2, 3, 4, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 are proposed for development. Lots 8, 9, 10, 11 and 12 are slated for future retirement and dedication to a public agency per a Development Agreement executed between the developer and the County of Los Angeles with a modification to the recorded map. A deed restriction will be recorded over these Dedication Lots. Due to the project location within a designated sensitive environmental resource area (SERA), all lots proposed for development have been reviewed by the Los Angeles County Environmental Review Board (ERB). All lots to be developed have been conceptually approved by all County Departments, with the exception of Lot 7 which has not been approved by County Public Health. Water service to be provided by Las Virgenes Municipal Water District.

2. **LOCATION:**
   25631 to 25752 Piuma Road, Monte Nido

3. **PROPONENT:**
   Vintage Pacific at Monte Nido, LLC
   9828 Research Drive
   Irvine, CA 92618

4. **FINDINGS OF NO SIGNIFICANT EFFECT:**

   BASED ON THE INITIAL STUDY, IT HAS BEEN DETERMINED THAT THE PROJECT THROUGH IMPLEMENTATION OF MITIGATION MEASURES WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

5. **LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS:**

   THE LOCATION AND CUSTODIAN OF THE RECORD OF PROCEEDINGS ON WHICH ADOPTION OF THIS MITIGATED NEGATIVE DECLARATION IS BASED IS: DEPARTMENT OF REGIONAL PLANNING, 320 WEST TEMPLE STREET, LOS ANGELES, CA 90012

PREPARED BY: Rudy Silvas of the Zoning Permits West Section, Department of Regional Planning

DATE: May 6, 2014

#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
1.1	Aesthetics	Project shall comply with section 22.44.133.G and Part 9 of Chapter 22.44 (commencing with section 22.44.500) of the Los Angeles County Code (Dark Skies Ordinance). Exterior night lighting shall be minimized using low intensity (lights not exceeding 800 lumens) and low stature fixtures (2.5-3 ft. in height). Lights shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. Security lighting, if used, shall be on an infrared detector and may not be continuously illuminated except in cases of actual emergency. All entry way and porch lighting, and wall lights along the proposed residences, shall have an apron to direct light to areas where needed, and eliminate light spillage off site.	Regional Planning Staff will inspect lighting on-site. Provide lighting as specified	Prior to issuance of Certifcate of Occupancy.	Applicant and any subsequent owner(s)	Department of Regional Planning
1.2	Aesthetics	The proposed residences shall utilize earth-tone colors that blend in with the natural colors of the surrounding environment. The driveway and any exterior retaining walls shall also be of earth tone colors or materials that blend in with the natural color of the surrounding environment. Use of large reflective surfaces shall be avoided to prevent glare and potential for bird strikes.	Final site and elevation plans depicting earth tone colors of structures, walls and driveway must be submitted to Regional Planning for review and approval.	Prior to issuance of building permits	Applicant	Department of Regional Planning

1.3	Aesthetics	A landscape/fuel modification plan, utilizing locally indigenous native plants to the Santa Monica Mountains outside of fuel modifcation zones A and B, shall be reviewed and approved by the Biologist on Staff at Regional Planning, and by the Fuel Modification Unit of the Fire Department. No vineyards, orchards, or lawns shall be placed outside of fuel modification zones A & B. No invasive non-natives, California natives not indigenous to the project region, and cultivars of native plants that pose a hybridization potential with local genotypes are to be used. The DRP and Cal-IPC invasive plant lists shall be used to identify invasive plants, and a list of plants to avoid shall be attached to the landscape plan and identified as "Non-natives that are specifically prohibited include, but are not limited to, palm trees *(family Arecaceae)*, pampas grass *(Cortaderia spp.)*, Pepper trees *(Schinus spp.)*, *Eucalyptus* spp. Landscape plan shall be implemented to provide effective screening of the residences from viewpoints along the Backbone Trail and Saddle Peak Trail, Saddle Peak, and to provide additional screening from Piuma Road, while still meeting fire protection requirements. Oak trees are to be used in the landscape plan and shall be local and suitable for the native local setting, obtained from a local source (i.e. nursery).	A landscape/fuel modification plan shall be submitted to Regional Planning for review and approval by Staff Biologist.	Plans must be approved prior to isuance of building permits	Applicant	Department of Regional Planning
3.1	Air Quality	All off-road diesel powered engines used during construction and any excavation/grading phases must utilize aqueous diesel fuels.	Contractor shall retain receipts for fuel used in off-road diesel powered equipment.	During construction, contractor shall provide inspector from Regional Planning with receipt copies upon request.	Applicant	Department of Regional Planning

3.2	Air Quality	The Project Developer shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site throughout the project construction phases. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following: A. Keep all construction equipment in proper tune in accordance with manufacturer's specifications. B. Require all on-site construction equipment to meet EPA Tier 2 or higher emissions standards. Contact SCAQMD for schedule adopted by other lead agencies in the South Coast Air Basin. C. Limit truck and equipment idling time to five minutes or less. D. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.	Copy of contract requiring emmission and dust control measures shall be provided to Regional Planning inspector in charge of mitigation monitoring. To be done in conjunction with Measure 3.3.	Copy of contract shall be provided to Regional Planning inspector and verified prior to issuance of grading permits.	Applicant	Department of Regional Planning.
3.3	Air Quality	The Project Developer shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following: • Use watering to control dust generation. • Water active grading/excavation sites and unpaved surfaces at least three times daily. • Cover stockpiles with tarps or apply non-toxic chemical soil binders. • All trucks hauling dirt, sand, soil, or other loose materials are to be covered. • Sweep streets at the end of the day if visible soil is carried onto adjacent public paved roads, and all paved parking and staging areas (recommend water sweepers with reclaimed water). • Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. • Install wind breaks at the windward sides of construction areas. • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more.	Copy of contract requiring emmission and dust control measures shall be provided to Regional Planning inspector in charge of mitigation monitoring. To be done in conjunction with Measure 3.3.	Copy of contract shall be provided to Regional Planning inspector and verified prior to issuance of grading permits.	Applicant	Department of Regional Planning

3.4	Air Quality	An information sign shall be posted at entrance to the construction site that identifies the permitted construction hours and provides a telephone number to call the foreman and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt by the construction site foreman. The sign shall also list the number to Regional Planning's Zoning Enforcement Division (213) 974-6483, and SCAQMD's Dust Control Division at 1(800) 288-7644, to report any complaints not rectified by the project foreman.	Signs must be posted on-site at least two weeks prior to grading and construction activity, to remain until all avtivity is completed	Proof of signs posted, in at least three locations of Tract 38931 project area, must be provided to inspector at Regional Planning.	Applicant	Department of Regional Planning, and SCAQMD if a complaint is received.
4.1	Biological Resources	Based upon the recommendations of the Environmental Review Board (ERB), pre-construction surveys for biological resources are required and should include surveys for, and assessments of: linchen, bryophyte, and vascular plant floras, and surveys for assessments of impacts to invertebrate fauna. Several species of invertebrates, including insects and mollusks (such as *Helminthoglypta traskii traskii*), are known to occur in the area (Santa Monica Mountains).	Surveys are to be submitted to the Staff Biologist at the Department of Regional Planning.	Surveys for speicies and impacts must be cleared by Staff Biologist, and reported to Regional Planning inspector for mitigation monitoring prior to issuance of grading permits.	Applicant	Department of Regional Planning

4.2	Biological Resources	Special-Status Roosting Bats—To avoid the direct loss of bats that could result from disturbance to trees or structures that may provide maternity roost habitat (e.g., in cavities or under loose bark) or structures that contain a hibernating bat colony, the following steps shall be taken: 1. To the extent feasible, demolition or disturbance to suitable bat roosting habitat shall be scheduled between October 1 and February 28, outside of the maternity roosting season. 2. If trees must be encroached during the maternity season (March 1 to September 30), or structures must be removed at any time of the year, a qualified bat specialist shall conduct a pre-construction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree or structure identified as potentially supporting an active maternity roost and each structure potentially supporting a hibernating colony shall be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of bat specialist for surveys.	Report of bat roosting and surveys shall be cleared by Staff biologist prior to any removals.	Applicant	Department of Regional Planning, California Fish and Wildlife
4.2A	Biological Resources	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to bring down trees or structures in a controlled manner using heavy machinery. In order to ensure the optimum warning for any roosting bats that may still be present, the trees or structures shall be nudged lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. Trees or structures may then be pushed to the ground slowly under the supervision of a bat specialist. Felled trees shall remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts shall not be sawn up or mulched immediately. A period of at least 48 hours shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of bat specialist for surveys, or for presence on site during removal of any trees or structures.	Report of bat roosting and surveys shall be cleared by Staff biologist prior to any removals.	Applicant	Department of Regional Planning, California Fish and Wildlife

4.2B	Biological Resources	Maternity season for bats lasts from March 1 to September 30. Trees or structures determined to be maternity roosts shall be left in place until the end of the maternity season. A structure containing a hibernating colony shall be left in place until a qualified biologist determines that the bats are no longer hibernating.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of bat specialist or qualified biologist.	Report of bat roosting and surveys shall be cleared by Staff biologist prior to any removals.	Applicant	Department of Regional Planning, California Fish and Wildlife
4.2C	Biological Resources	The bat specialist shall document all demolition monitoring activities and prepare a summary report to the County upon completion of tree disturbance or building demolition activities. If Townsend's big-eared bat is detected during pre-construction surveys, all construction-related activity shall be halted immediately and CDFW shall be notified. Work may only resume subsequent to CDFW approval.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of bat specialist for surveys, or for presence on site during removal of any trees or structures.	Report of bat roosting and surveys shall be cleared by Staff biologist prior to any removals.	Applicant	Department of Regional Planning, California Fish and Wildlife

4.2D	Biological Resources	Bat Relocation—If confirmed occupied or formerly occupied bat roosting habitat is destroyed, artificial bat roosts of comparable size and quality shall be constructed and maintained at a suitable undisturbed area. The design and location of the artificial bat roosts shall be determined by the bat specialist in consultation with CDFW. In exceptional circumstances, such as when roosts cannot be avoided and bats cannot be evicted by non-invasive means, it may be necessary to capture and transfer the bats to appropriate natural or artificial bat roosting habitat in the surrounding area. Bats raising young or hibernating shall not be captured and relocated. Capture and relocation shall be performed by the bat specialist in coordination with CDFW, and shall be subject to approval by LACDRP and CDFW. A monitoring plan shall be prepared for the replacement roosts, which shall include performance standards for the use of the replacement roosts by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats. Annual reports detailing the success of roost replacement and bat relocation shall be prepared and submitted to LACDRP and CDFW for five years following relocation or until performance standards are met, whichever period is longer.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of bat specialist for implementation of measure.	Design of artificial bat roosts and Monitoring plan for replacement roosts shall be prepared immediately should implementaion of this measure become necessary, and shall be reviewed and cleared by Staff biologist prior to issuance of any grading or building permits. Report by Staff Biologist for completion of mitigation measure will go to Regional Planning Inspector for clearance to Public Works' Building and Safety.	Applicant	Department of Regional Planning, California Fish and Wildlife
4.3	Biological Resources	Vegetation clearance for fuel modification requirements shall be done using hand tools to minimize soil disturbance. Department of Regional Planning Staff Biologist shall approve landscape/fuel modification plan, which shall show proposed brush clearance. All existing native vegetation shall be clearly depicted. Subsequent final approval by Fire Department's Fuel Modification Unit is required. All vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the greatest extent feasible, to avoid potential impacts to nesting birds.	Landscape/fuel modification plan shall indicate vegetation with use of hand tools, and must be submitted to Staff Biologist for review and approval. Final approval by Fire Department's Fuel Modification Unit.	Prior to issuance of grading permits, landscape plan and necessary fuel modification plan must be approved by Staff Biologist and reported to reported to Regional Planning inspector for mitigation monitoring.	Applicant	Department of Regional Planning

4.4	Biological Resources	Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).	Conduct pre-construction nesting bird surveys if construction to occur between February 1 and August 31; provide monitoring reports to Regional Planning Staff biologist who will coordinate measure Cal Fish and Wildlife.	Prior to and during construction	Applicant	Department of Regional Planning, California Fish and Wildlife
4.4 A	Biological Resources	Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) shall occur outside of the avian breeding season which generally runs from February 1 – August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates, specified above, is warranted.	Conduct pre-construction nesting bird surveys if construction to occur between February 1 and August 31; provide monitoring reports to LACDRP and CDFW at their request.	Prior to and during construction	Applicant	Department of Regional Planning, California Fish and Wildlife

4.4 B	Biological Resources	If avoidance of the avian breeding season is not feasible, beginning thirty days prior to the initiation of project activities, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly pre-construction bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of qualified biologist	Prior to and during construction	Applicant	Department of Regional Planning, California Fish and Wildlife
4.4C	Biological Resources	If a protected native bird is found, the project proponent shall delay all project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area and the biological monitor will also serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The project proponent shall provide the results of the recommended protective measures described above to the Department of Regional Planning at its request to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Survey results, and any avoidance measures taken, shall be submitted to CDFW within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of qualified biologist	Prior to and during construction	Applicant	Department of Regional Planning, California Fish and Wildlife

4.4 D	Biological Resources	If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he or she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the Department of Regional Planning and, upon request, CDFW. Based on the submitted information, the Department of Regional Planning (and CDFW, if CDFW requests) will determine whether to allow a narrower buffer.	Conduct pre-construction nesting bird surveys if construction to occur between February 1 and August 31; provide monitoring reports to LACDRP and CDFW at their request.	Prior to and during construction	Applicant	Department of Regional Planning, California Fish and Wildlife
4.4 E	Biological Resources	The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities. The biological monitor shall send weekly monitoring reports to the Department of Regional Planning, at its request, during the grubbing and clearing of vegetation, and shall notify the Department of Regional Planning immediately if project activities damage active avian nests.	Regional Planning Staff Biologist will coordinate requirements for this mitigation with Cal Fish and Wildlife, and approve of qualified biologist	Prior to and during construction	Applicant	Department of Regional Planning, California Fish and Wildlife
4.4 F	Biological Resources	Security fencing for the residences is to be limited to fuel-modification zones A and B. Any property perimeter fencing shall not impede wildlife movement (i.e. split rail type fencing). Fencing shall be depicted on site, landscape and fuel modification plans.	Delineate fencing location on site, landscape and fuel modification plans for approval by Regional Planning Staff Biologist	Plans must be approved prior to isuance of building permits	Applicant	Department of Regional Planning

10.1	Hydrology and Water Quality	For protection of the Malibu/Cold Creek Resource Management Area and ESHAs, all residences proposed in close proximity to riparian and jurisdictional stream resource areas shall have a runoff capture swale with plants or scavenge material that can be changed annually following the rainy season, and shall incorporate project design features with a drainage plan to ensure dentinon of storm water complies with current RWQCB requirements. A temporary erosion control plan during construction shall be implemented and in compliance with RWQCB requirements. Site septic facilities as far as possible from public open space and oak trees; incorporate T-filters and micropore treatments in order to protect water quality.	Show swale and cistern on site and landscape plan to be reviewed by Staff Biologist.	Prior to and during construction	Applicant	Department of Regional Planning
10.2	Hydrology and Water Quality	All riparian, ESHAs and jurisdictional resources shall be delineated on plans. The project proponent must obtain necessary California Fish and Wildlife Streambed Alteration Agreement and U.S.A.C.E. 404 permit for bridge proposed on Lot 21 access strip and any other related impacts to jurdcitional resources.	Show areas required by measure on site and landscape plan to be reviewed by Staff Biologist.	Submit plan for approval prior to construction	Applicant	Department of Regional Planning
10.3	Hydrology and Water Quality	In addition to standard LID requirements, cisterns shall be utilized to capture the first three-quarter inches of rainwater runoff from all non-permeable surfaces for use in irrigation and firefighting purposes.	Show drainage and cistern on site and landscape plan to be reviewed by Staff Biologist.	Submit plan for approval prior to construction	Applicant	Department of Regional Planning
10.4	Hydrology and Water Quality	Applicant shall submit a current will serve letter from Las Virgenes Municipal Water District to the Department of Public Health-Environmental Health Division's Drinking Water Program prior to construction.	Obtain "will serve letter" from Las Virgenes Municipal Water Distict	Verification of Letter required before issuance of grading and building permits.	Applicant	Department of Public Health.
10.5	Hydrology and Water Quality	Prior to the installation of any OWTS, a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: "Onsite Wastewater Treatment System (OWTS) Guidelines" and submitted to this Department (Department of Public Health-Environmental Health Division, Land Use Program) for further review. This requirement is to be completed prior to construction.	Submit feasibility report to Department of Public Health.	Complete requirement prior to issuance of grading and building permits.	Applicant	Department of Public Health.

13.1	Noise	Noise impacts during construction shall be mitigated to protect the nearby residences. In order to minimize construction noise impacts, the applicant shall implement the following mitigation measures into the written contract for construction: A. The applicant shall comply with all applicable sections of the County of Los Angeles noise control ordinance Title 12 Environmental Protection Noise Control (i.e. construction noise). In addition, standard construction noise attenuation measures should be included but not limited to the following: 1) maintain equipment and follow the manufacturer's recommended noise muffling devices; 2) minimize equipment idling; 3) staging and delivery areas should be located as far as feasible from nearby residences and schedule deliveries during mid-day or mid morning; and 4) to the extent feasible, utilize electrical powered tools or equipment instead of diesel powered equipment for exterior work. B. During grading and earth material hauling activities, it is suggested that such work be prohibited on any Sunday or legal holidays, or at any other time between weekday hours of 6:00 p.m. and 8:00 a.m. (ordinance indicates construction work prohibited between 7:00 p.m. and 7:00 a.m.). "Grading" means any excavating or filling of earth material or any combination thereof conducted at a site for construction or other improvements thereon.	Copy of contract requiring noise control measures shall be provided to Regional Planning inspector in charge of mitigation monitoring. To be done in conjunction with Measure 3.2.	Copy of contract shall be provided to Regional Planning inspector and verified prior to issuance of grading permits.	Applicant	Department of Regional Planning
19.1	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, as necessary, until 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)	Department of Regional Planning

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

June 24, 2014

Mr. Rudy Silvas
Los Angeles County, Dept. of Regional Planning
320 W. Temple Street, Room 1348
Los Angeles, CA 90012
Fax (213) 626-0434

Subject: Comments on the Mitigated Negative Declaration for the Monte Nido Project, Los Angeles County (SCH# 2014051048)

Dear Mr. Silvas:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Monte Nido Project (Project) prepared by the County of Los Angeles (County) acting as the Lead Agency under California Environmental Quality Act (CEQA). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*

The proposed Project site is located in Los Angeles County within the Santa Monica Mountains, along Piuma Road, at the southern edge of the rural Monte Nido community. The Project site is approximately 2.75 miles south of the City of Calabasas and State Highway 101. There are currently 16 graded, but vacant lots recorded under Tract Map 38931. Access to the Project site would be via Piuma and Cold Canyon Roads. Surrounding land uses include rural residential to the north and west, and open space to the south and east, including areas of Malibu Creek State Park and the National Park Service's, 6.8 mile regional Backbone Trail. Little Dark Creek flows though the Project site and will likely be impacted by a bridge needed to access two lots.

The subject properties are within the Coastal Zone and have a Sensitive Environmental Resource Area overlay of the Malibu-Cold Creek Resource Management Area in addition to two Environmentally Sensitive Habitat Area designations.

The Department offers the following comments and recommendations to assist the County in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. Rare Plant Surveys. The MND states that rare plant surveys were conducted following agency guidelines, referencing the Department's 2009 Protocols for *Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.* However, upon reviewing the Biological Assessment by PCR (2013), the report states that plants were only surveyed for on July 18, 2012 and July 3, 2013. The Department

protocols recommend surveys for special status plants occur during the appropriate blooming period when verified with a known reference sites. Not only do many of the plant species with the potential to occur on the Project site have blooming periods that would have been missed with only a single July survey, the survey was conducted during drought years. Some plants germinate and die in drought years, without growing to full size. Evidence of these species would likely be long gone by July. The Department recommends plant surveys be conducting using Department recommended protocol found at http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf.

2. CNDDB Record Search. Additionally, several species were discounted as possibly occurring because the closest CNDDB record is several miles away. The CNDDB records sightings posted on a voluntary basis and should not be used as a method of ruling out species occurrence. Additionally, new occurrences and range expansions occur as new information is collected and entered into the CNDDB. A nine-quadrangle search of the CNDDB for this area shows several plant species were not included in the table in Appendix B: Sensitive Plant Species. The Department recommends a nine-quad search be conducted as part of the biological resource assessment.

3. Oak Woodlands. The Department considers oak woodlands a sensitive vegetation community. The MND states that fuel modification impacts are not considered direct impacts to the plant communities found on the Project site; therefore, no mitigation is required. Oak woodlands are a community that includes the trees, as well as any understory plants, duff, dead logs, etc. Removal or thinning of an understory in oak woodland directly impacts the function of the entire oak woodland. The Department considers the impacts to 2.74 acres of oak woodland habitat resulting from proposed fuel modification activities a direct impact to this habitat. Mitigation should be included at a ratio that replaces the impacted community's habitat value. The Department recommends conservation of no less than 6-acres of in-tact oak woodland, not subject to any fuel modification or other disturbance, to be set aside in perpetuity as mitigation for the impact to 2.74 acres of oak woodland for fuel modification activities.

4. Vegetation Mapping. The vegetation mapping in the Biological Assessment by PCR (2013) uses "Ruderal" and "Disturbed" as vegetation classification. As these are not vegetation classifications, the Department recommends using the document *Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs in Ventura and Los Angeles Counties, California* (http://www.dfg.ca.gov/biogeodata/vegcamp/pdfs/VegMappingRpt_Santa_Monica_Mountains.pdf) to assist with classifying the region for this Project.

   The plant list for the site includes sycamore and walnut trees, but these trees are not captured in vegetation classification. Additionally, several large trees located within a 'ruderal' polygon, are not identified. Areas that have been cleared still usually have a succession of weedy species, native and non-native, that can be used to classify a polygon botanically. Additionally, visiting the site at different times of the year will allow annual wildflower species, which might be desiccated by July, to be recorded. The Department recommends the Biological Assessment refine the vegetation mapping to a smaller mapping unit and differentiate between patches with differing densities.

5. Fuel Modification. The Department recommends the MND include all fuel modification areas in the impact analysis. The Department considers fuel modification activities as adverse impacts to ecosystems. Modifying habitat by removal or thinning of vegetation, as well as removing leaf litter, logs, dead trees and shrubs directly impact the function of the habitat. Additionally, thorough biological inventories of all fuel modification areas are recommended to assess impacts to Threatened, Rare, Endangered species, and riparian habitats.

6. Wetland Delineation. The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the MND. The MND indicates that several tributaries located on the project site were not considered drainages subject to Fish and Game code 1600 et seq. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.[1].

   The Department has regulatory authority over a wide range of drainage features, including man-made drainage ditches, and swales. The Department recommends consultation with the Department to determine if these tributaries are within the regulatory authority of the Department and should be included in any wetland delineation submitted to the Department in a Notification package submitted pursuant to Fish and Game code section 1600 et seq for the Project..

   a. The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities; the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.[2]

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[1] Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

[2] A notification package for a LSA may be obtained by accessing the Department's website at www.wildlife.ca.gov/habcon/1600.

General Comments

7. CESA-listed Species. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.) Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

8. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the MND:

   a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.

   b) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

9. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. The MND should include the following information:

   a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis should be placed on resources that are rare or unique to the region.

   b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see

http://www.dfg.ca.gov/habcon/plant/). The Department recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

d) An inventory of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

10. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the MND.

a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.

b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the MND.

c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.

d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

We appreciate the opportunity to comment on the referenced MND. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker at (949) 581-1015 or Kelly.schmoker@wildlife.ca.gov.

Sincerely,

for Betty J. Courtney
Environmental Program Manager I
South Coast Region

ec: Ms. Betty Courtney, CDFW, Santa Clarita
Ms. Erinn Wilson, CDFW, Los Alamitos
Ms. Kelly Schmoker, CDFW, Mission Viejo
Ms. Mary Meyer, CDFW, Carpentaria
Mr. Scott Harris, CDFW, Pasadena
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RECEIVED
JUL 14 2014
BY:

Re: Monte Nido/Vintage Development, Project No. R-2012-02436 to R2012-02440 & 2013-03620 to R2013-03630

Dear Mr. Silvas,

I am writing to you on behalf of the Monte Nido Valley Community Association (MNVCA) to urge you not to approve the Mitigated Negative Declaration for the Monte Nido/Vintage Pacific Development along Piuma Road. The Initial Study fails to adequately disclose the environmental impacts these enormous houses will have on the aesthetics of our community and the surrounding trails and parkland. It also fails to adequately disclose the environmental impacts the development with have on the extraordinary biological resources in the area and on the water quality of the important Malibu Creek Watershed. Moreover, the accompanying Mitigation Monitoring and Reporting Program fails to adequately mitigate the few impacts the Initial Study actually acknowledges.

As you know, Monte Nido is a rural community set within the National Recreation Area of the Santa Monica Mountains. Those of us who live in Monte Nido know just how magical these mountains are. The area is very special, characterized by steep, rugged mountain slopes with elevations that approach 3,000 feet and dramatic canyons with gorgeous creeks. These mountains are home to bobcats, coyotes, deer, and mountain lions. They host over 1,000 plant species, nearly 400 bird species and 35 species of reptiles and amphibians and are home to one of the highest concentrations of rare species in the United States. Only recently have people begun to understand the significance of this Mediterranean-type ecosystem, which accounts for only 2.2% of Earth's surface and yet hosts over 20% of its plant and animal species. It is imperative that we save the little remaining examples of this unique natural resource.

Fortunately, in recent years the County has been a leader in the efforts to protect the Santa Monica Mountains, and together with the State of California, the National Park Service and a number of non-profit land trusts, the County can now boast that the vast majority of the Santa Monica Mountains is protected permanently from development. In February 2014 the County took an important step in approving the long-overdue Santa Monica Mountains Land Use Plan (LUP). That Plan sets forth very specific protective measures to ensure that the Santa Monica Mountains will continue to offer significant scenic, biological, and recreational resources for generations to come. The LUP emphasizes the importance of siting all new development "in a manner that avoids the most biologically-sensitive habitat onsite where feasible..." (LUP CO-44), and emphasizes the need to "preserve, protect and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors." (CO-45(a).) There are strict buffer areas required between new development and parklands as well as between new development and what the LUP designates as H1 habitat areas. In April 2014, the California Coastal Commission unanimously approved the County's LUP with some revisions. Those revisions went even further to strengthen the protective measures in the Plan.

In light of these very clear policies to aggressively protect the natural resources of the Santa Monica Mountains in the coastal zone, we were quite surprised to read the Initial Study and Mitigation Monitoring and Reporting Program for the Vintage Pacific development. Specifically, of the sixteen houses Vintage Pacific is proposing to build in Monte Nido, five are over 5,000 square feet, eight are over 4,000 square feet, and the remaining three are over 3,600 square feet. Many of these houses are sited on their lots with only 12 feet between the houses. And the setbacks to H1 habitat areas are as little as 35 feet. All but two of the houses will have swimming pools, 14 of them are two-story and two

are three-story structures. These suburban-style McMansions are incompatible with Monte Nido and the Malibu Creek watershed of the Santa Monica Mountains.

Even Vintage Pacific's owner, Matt Osgood, acknowledged to our community how inappropriate McMansions would be here. The MNVCA first became aware of the development plans in 2011 when Mr. Osgood met with us and told the community that the houses in his building project would "conform to the land" and that he himself was "anti mcmansion." He and his architect described small Cliff May style houses with a "harmonious relationship with the community," and although he did not promise all single-story houses he assured the community that the houses would be appropriate to the land. (See Exhibit A which are the Minutes from the September 13, 2011 MNVCA meeting). In his letter to the homeowners dated September 19, 2011, he specified that he planned to use the architect Cliff May's style for these houses and would work with the community to develop guidelines for setbacks, size, and mass of the houses. The MNVCA agreed to support Mr. Osgood's promised rustic low impact development as long as he agreed to donate to permanent open space the 5 lots closest to the riparian area and the Backbone Trail and as long as he stuck to the vision he had outlined about the style and size of the houses. (See Exhibit B, which is a letter agreement between Vintage Pacific and MNVCA.) After getting the MNVCA to sign that agreement letter and getting the bank loan Mr. Osgood needed to buy the property out of bankruptcy, Mr. Osgood never returned to the MNVCA to work out those guidelines and instead presented to you his development plan for these very inappropriately sized houses that are sited too close to State Parkland and H1 habitat areas. Although we appreciate Mr. Osgood's proposed donation of the five lots close to the Backbone Trail, we are most disappointed by his turnaround with respect to house size, mass and setbacks. If this development is approved it will dramatically change the aesthetic character of Monte Nido and will have serious impacts to the biological and water quality resources of this area.

MNVCA understands that in 1983 the County and the California Coastal Commission granted to the previous owner a Coastal Development Permit (CDP) for the tract map on this property, and we understand that the CDP specifies that the setbacks from Environmentally Sensitive Habitat Areas (ESHAs) need only be 50 feet. However, that previous permit does not eliminate the County's obligation to engage in an adequate CEQA process of identifying and analyzing the potentially adverse impacts associated with the build out of each of these lots. The Initial Study and Mitigation Monitoring and Reporting Program before you fail to do that.

We offer to you the following specific comments to the Initial Study in hopes that you will agree that a Mitigated Negative Declaration is inappropriate here, and a full Environmental Impact Report (EIR) is warranted. In the alternative, we believe that at the very least you need to require a more thorough Initial Study with more appropriately tailored mitigation measures.

1. Aesthetics
    a. After acknowledging that the project site is visible from a scenic vista along Piuma Road, the Initial Study concludes that any impacts to that scenic vista will be mitigated to an insignificant level because the project landscaping "will include indigenous California native species...." The Mitigation Monitoring and Reporting Program (MMRP) requires that other than in fuel modification zones A & B only indigenous California native species may be used and that

the landscape plan must provide effective screening of the residences from viewpoints along Piuma Road and the Backbone Trail but there are no specific requirements of how that will be achieved in light of how large these proposed residences are. The County must give adequate evidence that mere planting of indigenous plants will effectively shield the houses from a scenic vista. The issue of planting indigenous native plants relates more to a proper transition of the built environment to the adjacent natural setting than to whether there are visual impacts to a scenic vista. That transition is certainly important but it's only part of the issue. Plants may or may not be able to shield these enormous houses from the scenic vista. If the County has evidence that it will, it must reveal that and detail the specific mitigation requirements in the MMRP. The County cannot simply conclude that because the vegetation will be indigenous native plants (outside of fuel modification zones A & B) it will shield the houses from the views along Piuma. Most indigenous plants are very low in height. The indigenous trees take years and even decades to grow to a height that could effectively shield the proposed houses from people trying to enjoy the scenic vista along Piuma Road. The County either needs to incorporate more specific mitigation measures that will actually shield these houses from that scenic vista, or it needs to conclude that there is an adverse impact to the scenic vista and an EIR is required.

b. After acknowledging that the project site is in close proximity to the Backbone Trail and that the new houses will be visible from the trail, the Initial Study concludes that any impacts will be mitigated to an insignificant level because "the proposed residences are similar in design to the existing rural residences in the area", and the project's use of indigenous species will mitigate the visual effect. Again, there is no basis for the conclusion that the mere planting of indigenous as opposed to non-indigenous plants will effectively shield the views from the Backbone Trail. The Backbone and Saddle Peak Trails climb to much higher elevations than the proposed site, and the Initial Study fails to give any specific evidence that hikers and equestrians will not be able to see these enormous houses regardless of whether the vegetation is native or non-native. Stating that the development will include some indigenous planting does not necessarily address the issue of visual impacts of the houses from a regional trail. When hiking along the Backbone Trail, such large suburban type houses will be eyesores and detract tremendously from the experience of hiking in an area that is otherwise known for its natural beauty. Additionally, the statement that "the proposed residences are similar in design to the existing rural residences in the area" is untrue. The proposed residences are enormous in comparison to the majority of homes in the Monte Nido community. (See Exhibit C which are photographs of typical houses in the Monte Nido community.) There will definitely be potentially significant aesthetic impacts to the people using the Backbone Trail, and those impacts cannot be mitigated by simply requiring the planting of indigenous plants.

c. Since the project site is not visible from Malibu Canyon Road or Mulholland Highway this issue is not controverted.

d. The Initial Study is simply wrong in its conclusion that the proposed residential structures "will not substantially degrade the visual quality or character of the area because they will be similar in size and scale to the existing rural residential homes in the project area." (Again see the photographs in Exhibit C.) As stated in response to 1.b., the proposed residences are completely out of character to the rural feeling of Monte Nido. The fact that a different developer got away with building similarly large, suburban style homes further down Piuma should not now justify continuing to destroy the rural character of Monte Nido. The sizes of these proposed homes would greatly contrast with the existing valued aesthetic character of Monte Nido. The bare minimum setbacks between the houses (many of them are only 12 feet apart) is completely out of character with the rural feeling of Monte Nido. As Mr. Osgood himself acknowledged in his meetings with the residents of Monte Nido, the large 4,000- 5,000 square foot houses that were built further down Piuma are in stark contrast to the rest of Monte Nido. (See Exhibit A.) In addition, the limited setbacks from the ESHA areas are in and of themselves a potential significant impact. The California Coastal Commission has made clear to the County that a 100-foot setback of all new development from ESHAs (H1 habitat areas in the new LUP) is necessary to protect and preserve the biological resources in the area. The Commission has made findings in their recent approval of the County's LUP for the area that demonstrate the need for that 100-foot setback. The Initial Study seems to ignore those findings by concluding that the proposed residences will have less than a significant impact on the existing visual character or quality of the surrounding natural area. The fact that the previous property owner obtained a Coastal Development Permit (CDP 5-83-4) for the tract map for this project that allows a smaller setback from ESHAs, does not obviate the County's need to disclose the potentially significant adverse impacts of building these size homes with those limited setbacks from the ESHA area. The Initial Study should have looked at what the impacts of the 35-100 foot setbacks will be and then imposed all feasible mitigation measures that could avoid the impacts. Because the Initial Study did not do that you must not adopt the Mitigated Negative Declaration. The potential impacts of such smaller setbacks from ESHAs are significant and an EIR should be required.

e. The Initial Study concludes that any impacts of shadow, light or glare from the project will be mitigated to a less than significant impact because the County will require that all night lighting comply with the County's Rural Outdoor Lighting District provisions. However, the MMRP requires that the project comply with the County's Dark Skies Ordinance. This apparent inconsistency should be corrected. Whichever regulation offers the most protection from light and glare should be imposed along with any stricter requirements in the Coastal Commission's April 2014 approval of the County's LUP. The County needs to acknowledge that the most restrictive standards will be strictly enforced before concluding that the project's light impacts will be mitigated to an insignificant level.

2. Biological Resources

a. After acknowledging that there are some sensitive species and species of special concern on site, the Initial Study concludes that any impacts to these species from the proposed development will be mitigated to a less than significant level because of "avoidance of direct habitat impacts on-site" and because there is plenty of other habitat for these species in the surrounding area. The first argument is without basis. The Initial Study does not give any specific requirements for how the claimed avoidance will be assured other than to say that there will be pre-construction surveys for biological resources. No specific mitigation measures are set forth if indeed the surveys reveal that sensitive species or species of special concern are on site. Indeed, the Biological Resources Assessment that was performed for the Project Site reveals that the Oak Titmouse and the Turkey Vulture—both of which are considered sensitive species—have been observed on-site, but the MMRP does not offer any mitigation measures that would avoid potential impacts to these species. Additionally, there is an inconsistency between the Initial Study and the MMRP. The Initial Study acknowledges that there are a number of sensitive wildlife species of special concern that may be present on site with some of those species having a low potential to occur, some with a moderate potential to occur and some with a high potential to occur. And yet the MMRP does not address those species. Instead it focuses on roosting bats and some migratory nongame native bird species. The Initial Study can't just say the impacts to these other species will be avoided without detailing exactly how these potential impacts will be avoided. The second rationale for the conclusion that impacts to sensitive species will be less than significant with mitigation incorporated seems to be that there won't be a significant impact because the developer is planning to donate 5 lots as Open Space and there's a lot of protected Open Space land around the project site, including State Parkland. By this logic, as long as you destroy habitat in an otherwise habitat rich area, you can get away with it because there's plenty of habitat left over. That flies in the face of everything the County and the Coastal Commission have been saying in the current Santa Monica Mountains LUP hearings about the importance of protecting the unique coastal resources in the Santa Monica Mountains. The Initial Study fails to specify any meaningful mitigation measures to lessen the obvious impacts to a less than significant level. This Mitigated Negative Declaration should not be adopted. An EIR must be prepared.
b. The Initial Study concludes that the project with mitigation incorporated will have less than a significant impact on sensitive natural communities such as riparian habitat, coastal sage scrub, oak woodlands and non-jurisdictional wetlands. However, the only mitigation seems to be that the applicant will be required to comply with CDFW and USACE requirements in designing the bridge to access driveways for Lots 21 and 22. Indeed the applicant will have to comply with those requirements but that does not eliminate the CEQA requirement that a lead agency has to ensure that CEQA's standards are met. The Initial Study should have identified the specific adverse impacts that can be foreseen from the construction of that bridge and then imposed its own mitigation measures or concluded that the impacts could not be mitigated and

thus demanded that an EIR be prepared. In addition, there will be potentially significant impacts to the ESHA areas with the development of all of these lots in the project. At the April 2014 Coastal Commission hearing regarding the County of Los Angeles' Adopted Santa Monica Mountains Land Use Plan, the California Coastal Commission made plain to the County that it must impose strict development regulations to avoid, minimize and fully mitigate impacts to the ESHA areas in the Santa Monica Mountains. The Initial Study acknowledges that the proposed project is next to ESHAs and yet it does not acknowledge that the development of these houses so close to the ESHA area will have a potentially adverse impact on those biological resources. As is acknowledged in Subsection f of this Biological Resources section, the proposed project does not adhere to the strict 100-foot setback rule demanded by the new LUP first adopted by the County of Los Angeles in February 2014 and then, with revisions that have nothing to do with the 100-foot setback requirement, adopted by the California Coastal Commission in April 2014. The Initial Study justifies this lessening of the regulation by stating that a previously approved CDP for the Tract Map allows for these lesser setbacks. However, that does not eliminate the need for the Initial Study to look at whether building closer than 100 feet from the ESHA (H1 habitat area) will have a potentially significant impact on sensitive natural communities. The Coastal Commission has concluded that there is substantial evidence that anything less than a 100-foot setback from ESHA (H1 habitat) areas will have a significant adverse impact on the resources. An EIR should be required to detail exactly what those impacts might be.

c. The Initial Study correctly insists that the applicant be required to work with CDFW and USACE for jurisdictional requirements relating to impacts on wetlands. However, the Initial Study also should have detailed what those impacts will be. CEQA requires that a lead agency perform an environmental review of all of the potential environmental impacts of a proposed project regardless of whether other agencies (state or federal) may also be analyzing those impacts.

d. The Initial Study seems determined to conclude that the project poses no significant impacts to wildlife without any factual basis. In looking at whether the project will interfere with the movement of any native resident or migratory wildlife or impede the use of native wildlife nursery sites, the Initial Study simply states that local wildlife species "adapted to disturbed areas would be expected to persist on-site following construction, particularly within the proposed open space areas." That's nonsense. The question is whether the project poses a potentially significant impact on the movement of this wildlife or impedes nursery sites used by the native wildlife. The question is not whether the County thinks that these animals or birds or reptiles will adapt to the built environment. And the question is certainly not whether the County thinks there's plenty of other open space area for the wildlife to go. If the project impedes the current movements of the wildlife or disturbs current nesting areas, the Initial Study has to disclose that. The MMRP acknowledges that there are potential impacts to nesting areas for bats and for native birds,

including raptors. The MMRP details specific requirements for bat and bird surveys along with restrictions on when vegetation can be removed and when construction within 300 feet (or in the case of raptors, 500 feet) of the nests can be conducted. However, the MMRP's requirements do not remedy the inadequacy of the Initial Study's assessment of the proposed project's adverse impacts on the acknowledged sensitive species either on-site or with the potential to occur. Additionally, the Initial Study refuses to address the issue of potential biological resources impacts from the Project's allowance of very small setbacks to ESHA and State Parkland. The Study needs to address what impacts those smaller setbacks might cause to the movement of native resident or migratory wildlife and/or the use of native wildlife nursery sites that are so close to the Project site. The County cannot approve a Negative Declaration so inadequate. An EIR should be prepared.

e. The Initial Study's conclusion that the project poses less than a significant impact to oak woodlands, oaks or other unique native trees because the project would avoid direct impacts to oak trees begs the question. The Initial Study failed to address the issue of whether the removal of 2.74 acres of disturbed understory of the oak woodland habitat will cause a potentially significant impact to the oak woodlands. Furthermore, the Initial Study ignores the issue of whether the project's refusal to comply with the Coastal Commission's 100-foot setback from ESHAs (H1 habitat) will have a potentially significant impact on the oak woodlands the Initial Study acknowledges are present on site. The Coastal Commission's April 10, 2014 revisions to the County's Santa Monica Mountains LUP also requires that "New non-resource-dependent development shall also provide an additional 100-foot 'Quiet Zone' from H1 habitat where feasible....New development is not permitted in the H1 habitat Quiet Zone except resource-dependent uses, non-irrigated fuel modification required by the Fire Department for lawfully-established structures...[and] a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated...." The County needs to comply with these provisions and make sure that any environmental review fully analyzes the potential impacts and minimizes and mitigates the unavoidable impacts to the "maximum extent feasible." The Initial Study and the MMRP have not done that.

f. The Initial Study claims that the project will have less than a significant impact on policies of the Malibu Coastal Land Use Plan. That may or may not be true but since the Malibu Coastal Land Use Plan is almost superseded by a new plan, the Initial Study should be looking at the policies in the new plan. On February 13, 2014, the County adopted a new Santa Monica Mountains Land Use Plan. On April 10, 2014, the California Coastal Commission adopted the LUP with some revisions. On July 10, 2014, the Coastal Commission is holding a hearing on whether to adopt the County's Local Implementation Plan for the Santa Monica Mountains Local Coastal Program. In light of the fact that the Coastal Commission will likely decide on the Local Coastal Program before

July 14, 2014, and in light of the importance of this Local Coastal Program, the County Department of Regional Planning should postpone a decision on this application until the County has a chance to vote on whether to accept the Coastal Commission's revisions to the LCP. Once the County has a final LCP for the area (which should happen in the next month or so), the question the Initial Study needs to ask is whether the project will have less than a significant impact on the policies of the Santa Monica Mountains Land Use Plan, not the older plan. The new LUP requires that all new development in this area be restricted in building development size. Under the new plan the maximum allowable building site area is 10,000 square feet or 25% of the parcel size, whichever is less. That 10,000 square feet (or less) area includes the building pad for the house, the septic system, the driveway or other hardscapes, the garage, the pool, and the landscaping. The Initial Study needs to analyze these proposed plans to ensure that they comply with those restrictions. We already know that both the County and the Coastal Commission versions of the LUP require a 100-foot setback from ESHA for all new development. The project has many lots scheduled for development that do not comply with that 100-foot setback from ESHA (H-1 habitat areas). The Initial Study justifies the smaller setback by stating that there is a tract map Coastal Development Permit (CDP 5-83-4) with Special Conditions that allow for an ESHA setback of as little as 50 feet. Just because an applicant has a vested tract map on a project site does not exempt the applicant from CEQA review of the specific development plan now before the County. The Initial Study's conclusion that the previous permit justifies the reduced setbacks is not adequate under CEQA. In a situation like this, where the County and Coastal Commission have concluded from substantial evidence that new development with less than a 100-foot setback from an ESHA (H1 habitat) will have an adverse environmental impact on the biological resources, an EIR must be required to analyze what those specific impacts will be. By the very terms of the County and Coastal Commission approved LUP, a strict 100-foot setback is needed to protect the biological resources of the ESHA (H1 habitat). Therefore, the project with its smaller setbacks will clearly have a potential adverse impact to the environment and an EIR must be prepared. And at the very least, the Initial Study cannot approve the 35-foot setback from mapped ESHA for Lot 22. That clearly violates the County LUP and in fact it violates the Special Conditions of the CDP.

The Initial Study included some maps in its "Piuma Tract Legends and Aerials" that are incorrect. The map shows that MRT (Mountains Restoration Trust) manages some of the adjoining property. MRT does not in fact manage any of those lands. The Initial Study should determine who owns/manages those lands. The map shows that other than MRT some of the adjoining land is State parkland. The Coastal Commission's newly adopted Santa Monica Mountains LUP Policy SN-25 requires that new development adjacent to public parkland be sited "at least 200 feet from all parkland, where feasible, and designed to ensure that all required fuel modification is located within the project site boundaries and no brush clearance is required within the public parkland. New

development that requires unavoidable brush clearance in parklands shall only be approved to allow a reasonable economic use, brush clearance shall be minimized to the maximum extent feasible, and all resource impacts shall be fully mitigated." This Initial Study and MMRP fail to do that. In fact, the Fuel Modification Map shows very clearly that none of the lots that abut parkland come close to complying with that 200-foot setback. The Initial Study must analyze the environmental impacts in the adjoining parkland of the fuel modification activities. At a minimum the County must require compliance with the Coastal Commission's Santa Monica Mountains LUP Policy SN-25 as part of any mitigation plan before the County can adopt a Mitigated Negative Declaration for this project.

3. Hydrology and Water Quality
   a. The Initial Study fails to identify the water quality impacts of this proposed project. It simply instructs the applicant to comply with MS4 permit requirements, and the MMRP requires that the applicant comply with RWQCB requirements. However, the Initial Study fails to detail what potentially significant impacts the project poses to the water quality in the Malibu Creek Watershed. CEQA requires that the Initial Study actually state what the potential impacts are. Only then can anyone determine whether the existing regulatory standards such as the RWQCB requirements will adequately mitigate the potential impacts. If all an applicant needed to do was comply with existing law then there wouldn't be any purpose to any CEQA review. The Initial Study states that Lots 1-4, Lot 6 and Lots 8-12 have received conceptual approval from the Los Angeles County Public Health Department for feasibility of Onsite Wastewater Treatment Systems (OWTS). However, the Initial Study fails to discuss whether such OWTS will have potential adverse impacts to water quality either because of the location of the septic fields or for any other reason. In addition, the Initial Study's description of Lots 6, 14 and 15 do not include septic systems. How will the wastewater on these 3 lots be treated? The MMRP states that the developer shall "site septic facilities as far as possible from public open space and oak trees." That is inadequate mitigation. The Initial Study needs to identify what the potential impacts would be of septic facilities on the open space and the oak trees as well as the water quality of the Malibu Creek watershed. As discussed in the earlier comments to the Biological Resources Section, the County and the Coastal Commission have gone on record in the adoption of the Santa Monica Mountains Land Use Plan stating that all new development must be at least 100 feet from H-1 habitat areas. In addition, in Policy CO-92 of the Coastal Commission's April 10 approved Santa Monica Mountains LUP, the Coastal Commission required that "[l]eachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay and other native trees." At a minimum, the MMRP must require that the OWTS's in this project comply with these rules. We know from the project description that

many of the houses and septic facilities will not meet that standard. The CEQA question is: What is the impact of that close proximity to the H-1 habitat areas and oak and other native trees? Telling the developer to site the septic facilities as far as possible from these areas and from the oak trees is not sufficient mitigation.

b. Since water service to the project site will be provided by the Las Virgenes Municipal Water District, there is not an issue of whether the development will substantially deplete groundwater supplies.

c. The Initial Study concludes that with mitigation measures the project will pose less than a significant impact to the drainage pattern of the site or area because the applicant will be required to "control runoff into streams which traverse the property" and "[t]he applicant will be required to check in with Cal Fish and Wildlife for Streambed Alteration Agreement requirement, and with the U.S. Army Corp of Engineers (USACE) for 404 permit requirements." As discussed above, this is not adequate under CEQA. The County cannot satisfy CEQA requirements to disclose all potentially significant impacts by simply saying that the applicant will follow the federal rules for 404 permits and will comply with state Streambed Alteration requirements. First the County must identify what the potentially significant impacts are. Given the close proximity to the stream and riparian area, it is clear that there will be potentially significant water quality impacts. It is not appropriate to adopt a Mitigated Negative Declaration that fails to disclose those water quality impacts. Similarly, the Initial Study fails to discuss any potential impacts from the swimming pools that are included in the description of all but two of the 16 site plans. As the County is well aware, there is not public sewer system for any of these lots or anywhere else in the community of Monte Nido. All of the lots will have to rely on private septic systems. Therefore, there is no sewer system that can accept pool runoff when an owner decides to drain the swimming pool. Nor is there a sewer system that can accept the runoff from routine maintenance of cleaning swimming pool filters. The Initial Study must acknowledge the potential water quality impacts of the likely discharge of swimming pool chemicals into the drainage system whenever an owner cleans a pool filter or drains the swimming pool or accidently overfills the swimming pool. Adequate mitigation measures need to be designed to avoid or lessen to an insignificant level those impacts. Swimming pools also pose a potential significant impact when the pool surface cracks either because of normal settling or because of an earthquake. The possible discharge of swimming pool chemicals into the area's drainage courses poses a significant adverse impact to the water quality of the Malibu Creek Watershed. The Initial Study failed to discuss any of those impacts and failed to offer any mitigation measures for those potential impacts.

d. For Section 10(d) we reiterate the comments for 10(c) above.

e. The Initial Study states that since no uses are proposed with the residences that would create standing water there are no potential impacts of increasing habitat for mosquitoes and other vectors that transmit diseases such as West Nile virus and result in increased pesticide use. That's simply not credible. This is a proposed residential development. Once the houses are built and sold to

individuals, the individuals will live in those houses and there is a very good likelihood that the homeowners will do what many homeowners do and that is put plants in pots that need to be watered and put bird baths out and even ask a landscaper to create a "water feature" such as a pond. All of these activities create the probability for increasing habitat for mosquitoes and result in increased pesticide use. The Initial Study needs to acknowledge that and either conclude with evidence that the impact is not significant or impose specific mitigation measures to avoid or lessen the impacts to an insignificant level or conclude that the impacts cannot be avoided or so lessened. In addition, the newly adopted Coastal Commission version of the Santa Monica Mountains Land Use Plan strictly prohibits the use of herbicides, insecticides and rodenticides other than in very limited circumstances. The MMRP needs to adopt the same restriction for this development.

In summary, we find that the Initial Study fails to adequately disclose the potential impacts of this project and fails to impose adequate mitigation measures to lessen those impacts to a less than significant level. We urge you to not approve this Mitigated Negative Declaration and instead require that a full EIR be prepared. In the alternative, we ask that you require that the Initial Study be re-done to more fully and accurately disclose the potential environmental impacts and that you require that the MMRP specify adequate mitigation for those impacts.

Sincerely,

Carrie Baltin

Carrie Baltin
President Monte Nido Valley Community Association

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

COASTAL DEVELOPMENT PERMIT

On July 28, 1983, by a vote of 6 to 3, the California Coastal Commission granted to Quaker Corporation Permit A- 5-83-4, subject to the conditions set forth below, for development consisting of division of 102 acres into 22 one acre lots for residential use

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at on Piuma Road, just east of Cold Canyon Road, in the Monte Nido area of Malibu.

After public hearing held on July 28, 1983, the Commission found that, as conditioned, the proposed development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; if between the sea and the public road nearest the sea, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; and either (1) will not have any significant adverse impact on the environment, or (2) there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the development as approved may have on the environment.

Issued on behalf of the California Coastal Commission on July 23, 1985.

MICHAEL L. FISCHER
Executive Director

By Mark DeLaplaine
MARK DELAPLAINE
Permit Analyst

The undersigned permittee acknowledges receipt of the California Coastal Commission Permit A- 5-83-4, and fully understands its contents, including all conditions imposed.

Date Permittee

II. CONDITIONS

A. Standard Conditions

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provides assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

1. Dedication. Prior to issuance of permit the applicant shall enter into an agreement with the California Coastal Commission providing the following dedication of land. This agreement shall bind the applicant and any successors in interest and shall be recorded as a covenant to run with the land free of prior liens and encumbrances except tax liens and those encumbrances which the Executive Director determines do not affect the interest being conveyed. The agreement shall provide that the applicant offer to dedicate fee interest in that portion of the project site located outside Lots 1 through 22 and, in addition, the wildlife corridor shown on Exhibit 3 to a public or private

non-profit agency acceptable to the Executive Director of the Commission. The offer to dedicate and the accepting agency shall allow for the proposed County-required flood control improvements on what was originally lot 11 (Exhibit 2), or as an alternative, if acceptable to the Executive Director and the accepting agency, the original lot 11 (Exhibit 2) shall be restricted from development and dedicated to the County Flood Control District.

2. Transfer of Development Credits (TDC's). Prior to issuance of permit the applicant shall submit subject to Executive Director review and approval appropriate documentation necessary pursuant to Section VII of the Commission's Malibu Interpretive Guidelines to provide 21 transfer of development credits in Zone II. As an alternative, the applicant may participate in the Coastal Conservancy's lot retirement program; if this alternative is chosen the applicant shall prior to issuance of permit demonstrate to the satisfaction of the Executive Director that 21 transfer of development credits can and will be acquired. (If the applicant can demonstrate to the satisfaction of the Executive Director that the project site is currently more than one legal parcel, the TDC requirement may be reduced by the number of additional parcels constituting the current site.)

3. Revised Plans. Prior to the issuance of permit the applicant shall submit to the Executive Director, subject to his review and approval, revised plans modifying the plans shown on Exhibit 3 in the following manner: A driveway easement shall be provided along the northern boundary of Lot 1 to provide access to Lot 2; the stream set-back for grading for Lot 8 shall be increased to 75 feet; "A" street shall be realigned such that Lots 10 and 11 can meet a 75 foot structural set-back from the identified ridge-line; the pad for lot 14 shall be moved to the south to avoid encroachment into the oak trees; all grading for lot 20 shall be set-back at least 50 feet from the blue-line stream; and a wildlife corridor and buffer to the backbone trail shall be included as indicated on Exhibit 3, to be incorporated into the open space dedication required pursuant to condition 1. The revised plans shall accurately show the location of all blue-line streams, riparian vegetation, and oak trees over 8 inches in diameter on the site; the biological information shall be prepared by a qualified biologist.

4. Deed Restriction. Prior to issuance of permit the applicant shall submit evidence of recordation of a deed restriction, the form and content of which has been approved by the Executive Director, which shall be recorded free of prior liens and encumbrances except tax liens and those encumbrances which the Executive Director determines do not affect these restrictions, and which shall bind the applicant and all successors in interest. The deed restriction shall provide that all development proposed for each lot shall be subject to a coastal development permit from the Commission or its successor agency and shall conform to the following requirements unless specifically altered by the Commission or its successor agency:

(a) The location of all grading shall be limited to the building pad areas identified on Exhibit 3 except where revised in the plans submitted under Condition 3;

(b) No structures shall be allowed within 50 ft. of blue line streams, or within 50 ft. of riparian habitat, whichever is greater, as identified on the

approved plans pursuant to Condition 3; blue line stream crossings (lots 20-22) for driveways shall be accomplished by bridging rather than concrete culverts;

(c) No structures shall be permitted within 50 ft. of any property owned by the State of California on lots 17 and 20 and within 75 ft. of the identified ridge line on lots 10 and 11;

(d) All grading shall be limited to spring and summer months, to allow for revegetation prior to the rainy season; all cleared and graded areas shall be revegetated with drought, fire, and erosion resistant native species;

(e) No oak trees over 8 inches in diameter shall be removed and all grading shall minimize encroachment into the dripline of mature oaks identified pursuant to Condition 3; any driveways located within the dripline of mature oaks shall be constructed with pervious materials;

(f) Building materials and colors and landscaping shall be used to minimize adverse impacts to public views and to blend with the surrounding environment to the maximum extent possible; and

(g) Landscaping shall be installed to serve as a visual buffer to screen residential development from the Backbone Trail.

5. Open Space Easement. Prior to issuance of permit the applicant shall submit evidence of recordation of an offer to dedicate an open space easement with a legal description, the form and content of which has been reviewed and approved by the Executive Director, to a public agency or private association acceptable to the Executive Director over Little Dark Creek between Piuma Rd. and the northern boundary of the subdivision. The open space easement shall extend 75 ft. from the edge of the creek on both sides of the creek. The offer to dedicate shall be recorded free of prior liens and encumbrances except tax liens, shall be irrevocable for a period of 21 years running from the date of recordation, and shall run with the land binding the applicant and all successors in interest.

6. Road Improvements. Prior to issuance of permit the applicant shall submit, subject to the review and approval of the Executive Director, specific improvements proposed to Piuma Rd. and "A" St. as required by the County Road Dept. No additional lanes or major realignment will be permitted.

7. Sewage Systems. Prior to issuance of permit the applicant shall submit, subject to the review and approval of the Executive Director, percolation tests and County Health Dept. approval of adequate sewage capabilities for each of the proposed lots. The septic systems shall meet county standards including the County requirement that leach fields be set back 50 ft. from streams and seepage pits be set back 100 ft. from streams. Lots failing to meet the County's standards shall be eliminated, with a corresponding reduction in TDC requirements for any lots so eliminated.

8. Runoff and Flood Control. Prior to issuance of permit the applicant shall submit, subject to Executive Director review and approval, specific designs for proposed flood control improvements which shall minimize alteration of natural streams and shall provide that the maximum rate of discharge shall be equal to or less than the rate that existed prior to development.

Created in GIS-NET3

Aerial of Monte Nido Tract

Printed: Mar 23, 2015

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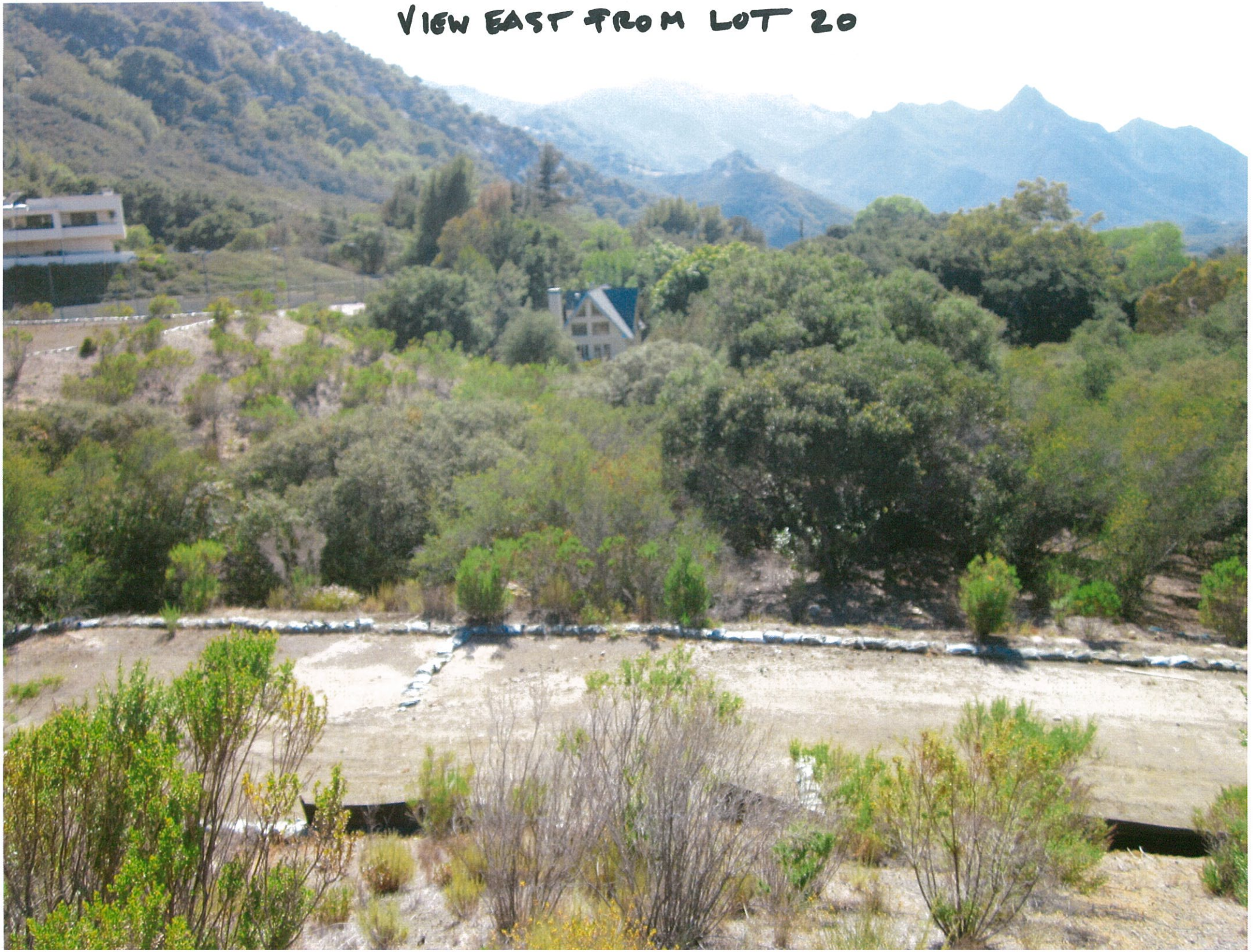
0 500

Feet

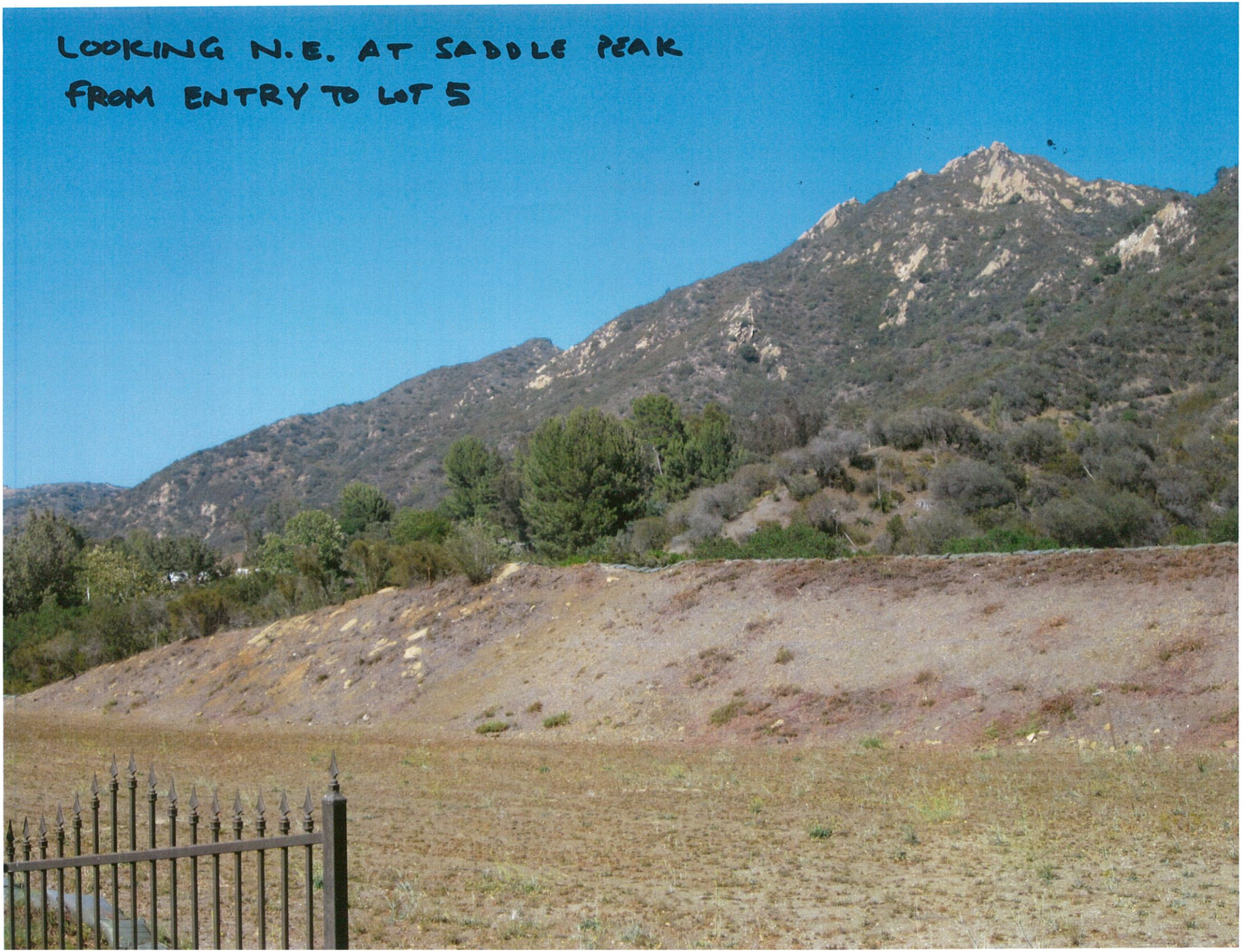
NOTICE
OF
INTENT
FOR INFORMATION
CALL (213) 974-6462

VIEW EAST FROM LOT 20



RESIDENCE IN NEIGHBORING TRACT
TO WEST

LOT 5 WITH EXISTING HOME


LOOKING N.E. AT SADDLE PEAK
FROM ENTRY TO LOT 5

LOT 1 FROM INTERSECTION
LOOKING NORTHEAST
Piuma Rd
Woodbluff Rd

VIEW TO WEST FROM LOT 6

FUEL MODIFICATION ZONES

ZONE A - SETBACK ZONE

- Zone in closest proximity to the structure.
- Extends 20 feet beyond the edge of any combustible structure, accessory structure, appendage or projection. Overhangs or other parts of the structure not accurately reflected on the plans may negate the approval of plant location on the approved plan.
- Irrigation by automatic or manual sprinkler systems shall be provided to maintain healthy vegetation with higher live-moisture content.
- Landscaping and vegetation in this zone shall consist primarily of green lawns, ground covers not exceeding 6 inches in height, and adequately spaced shrubs. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone A shall be inherently highly fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval. Final or revised Plans submitted after 6 months from the initial submittal will have plants in all zones evaluated based on the most current *Fuel Modification Plant* List available from the Fuel Modification Unit.
- Except for dwarf varieties or mature trees small in stature, trees are generally **not recommended** within Zone A.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site.
- Vines and climbing plants shall not be allowed on any combustible structure requiring review.

ZONE B - IRRIGATED ZONE

- Extends from the outermost edge of Zone A to 50 feet from the structure.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall typically consist primarily of green lawns, ground covers, and adequately spaced shrubs and trees.
- Unless otherwise approved, Ground covers shall be maintained at a height not to exceed 6 inches in Zone B, 12 inches is acceptable within 50 feet of a structure and 18 inches beyond 50 feet in Zone B if it is on a slope. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment. Specimen native plants may be approved to remain if properly maintained for adequate defensible space. Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- Plants in Zone B shall typically be fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval.
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.Irrigation shall be directed away from native oaks and be placed outside the dripline.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site. This distance may extend to 50 feet if the situation dictates.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhand any structure or access at maturity.

ZONE C - THINNING ZONE

- Extends from the outermost edge of Zone B to 200' from structure.
- Require thinning and clearance will be determined upon inspection. Required clearance may increase to the maximum allowed by the Fire Code as needed because of vegetation growth
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment
- Plants in Zone C shall be spaced appropriately. Existing native vegetation shall be modified by thinning and removal of those species constituting a fire risk. These species include, but are not limited to chamise, sage, sage brush, and buckwheat.
- Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- General spacing for existing native shrubs or groups of shrubs is 15 feet between canopies. Native plants may be thinned by reduced amounts as the distance from development increases.
- General spacing for existing native trees or groups of trees is 30 feet between canopies. This distance may increase or decrease depending on the slope, arrangement of the trees in relation to slope, and the species of tree.

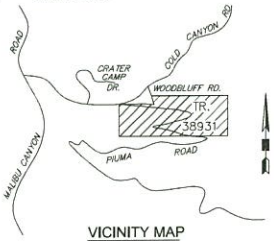
ASSESSOR'S PARCEL NUMBER: 4456-038-003

LEGAL DESCRIPTION: LOTS 1-4, 6,7 & 13-22
BOOK 1093, PAGE 95 THRU 99

BUILDING FOOTAGES:

	1st Floor	2nd Floor	Total
LOT 1	3,727 s.f.	1,684s.f.	5,411 s.f.
LOT 2	3,290 s.f.	1,150 s.f.	4,440 s.f.
LOT 3	2,600 s.f.	1,519 s.f	4,119 s.f.
LOT 4	3,714 s.f.	1,604 s.f.	5,318 s.f.
LOT 6	2,600 s.f.	1,519 s.f.	4,119 s.f.
LOT 7	3,727 s.f.	1,507 s.f.	5,234 s.f.
LOT 13	3,215 s.f.	1,192 s.f.	4,407 s.f.
LOT 14	3,285 s.f.	1,150 s.f.	4,435 s.f.
LOT 15	3,727 s.f.	1,507 s.f.	5,234 s.f.
LOT 16	2,486 s.f.	1,150 s.f.	3,636 s.f.
LOT 17	3,727 s.f.	1,684 s.f.	5,411 s.f.
LOT 18	3,215 s.f.	1,192 s.f.	4,407 s.f.
LOT 19	2,600 s.f.	1,519 s.f.	4,119 s.f.
LOT 20	2,512 s.f.	1,150 s.f.	3,662 s.f.
LOT 21	3,215 s.f.	1,192 s.f.	4,407 s.f.
LOT 22	2,878 s.f.	854 s.f.	3,732 s.f.

0' 25' 50' 100'
Scale: 1"=50'-0"



VICINITY MAP
NO SCALE
T.G. PAGE 628 J-1 & 629 A-1

LAND CONCERN
LANDSCAPE ARCHITECTURE
1750 East Holly Avenue, El Segundo, CA 90245
949.250.4822 F 949.752-2480

REVISION BLOCK

REV#	APPR	DATE	REVISION DESCRIPTION	ENGINEER	DATE

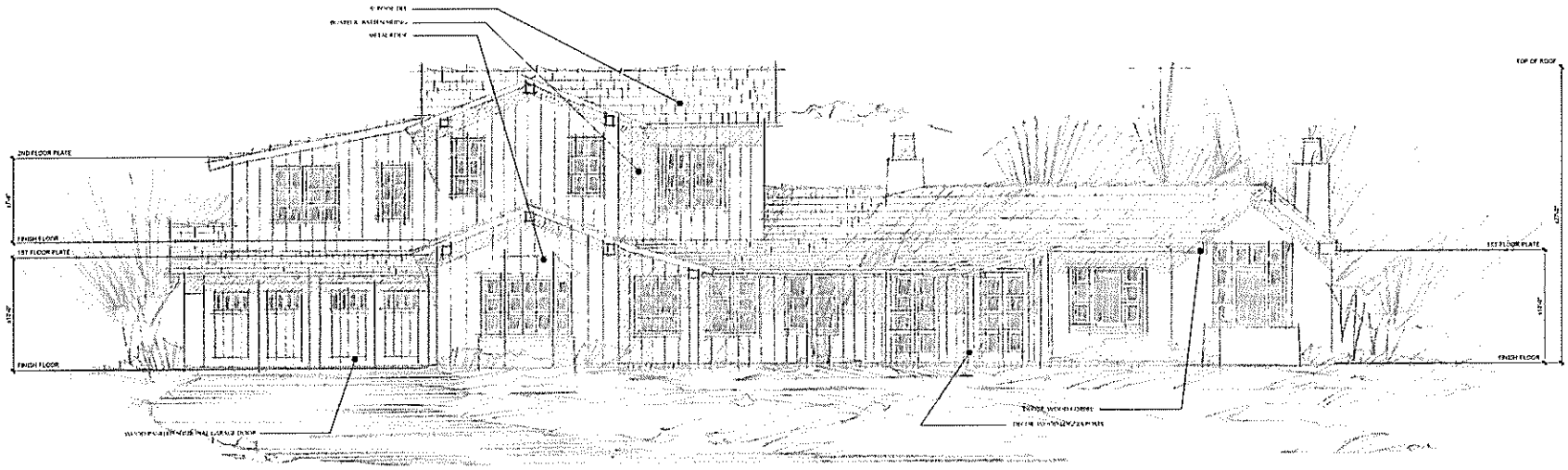
LANDSCAPE ARCHITECT:
PREPARED BY OR UNDER THE DIRECTION OF:
MICHAEL T. IMLAY
PE No.: 1484
DATE Exp: 08/31/2014

TRACT MAP 38931
FUEL MODIFICATION PLAN
FOR
ASSESSOR'S PARCEL NO. 4456-038-001

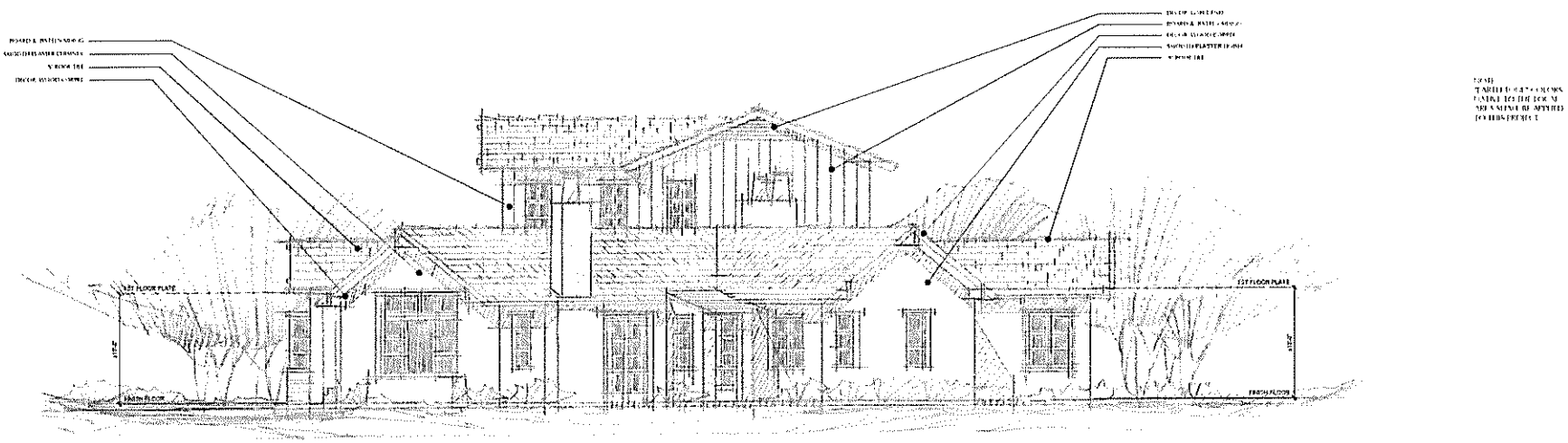
SCALE: AS NOTED | DATE: 01/18/2013

SHEET: 1 OF 2 SHEETS

GPC#



FRONT ELEVATION



RIGHT ELEVATION

LOT 2 - PLAN 2A

EXTERIOR ELEVATIONS

0 2' 8'
1' 4'

MONTE NIDO

MALIBU, CALIFORNIA

Angeleno Associates, Inc.
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www.angelenoassociates.com Tel 714-285-1918
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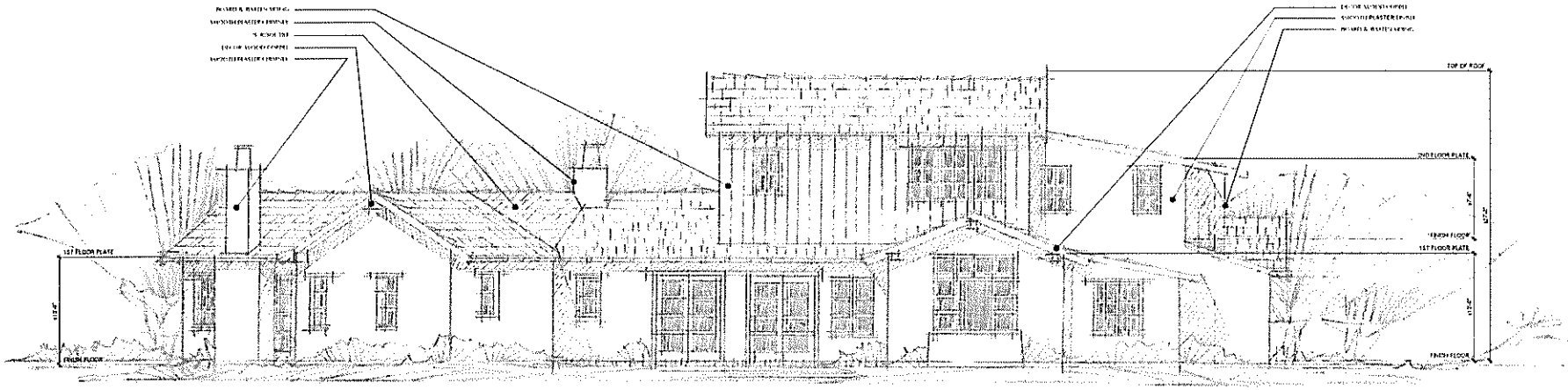
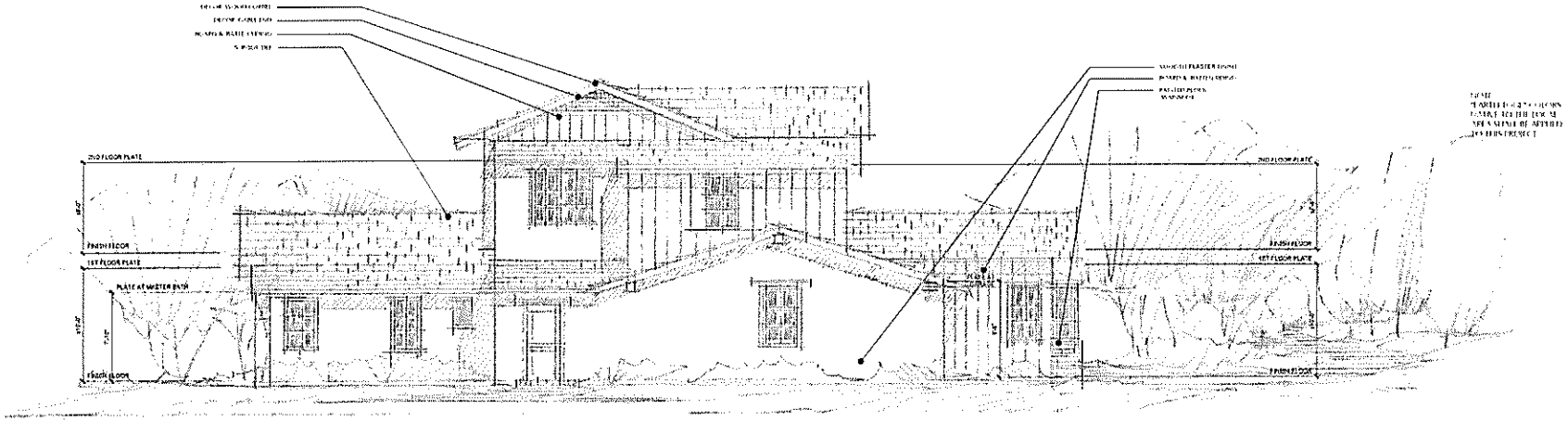
VINTAGE COMMNUNITIES
CALIFORNIA PACIFIC HOMES
09.06.12
2A-1.0



REAR ELEVATION



LEFT ELEVATION

LOT 2 - PLAN 2A

EXTERIOR ELEVATIONS

0 2' 8'

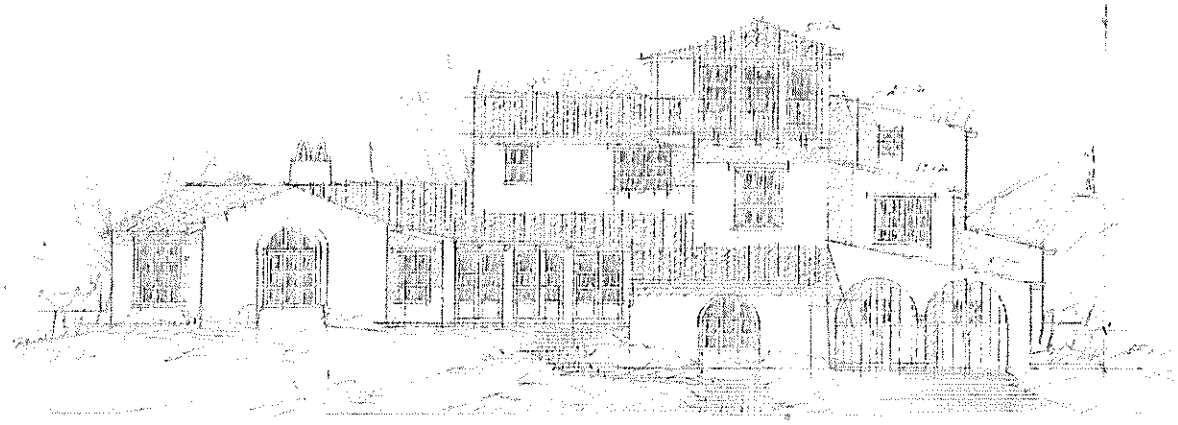
1" 4"

Angelano Associates, Inc.
107 City Place Drive, Santa Ana, Ca 92705

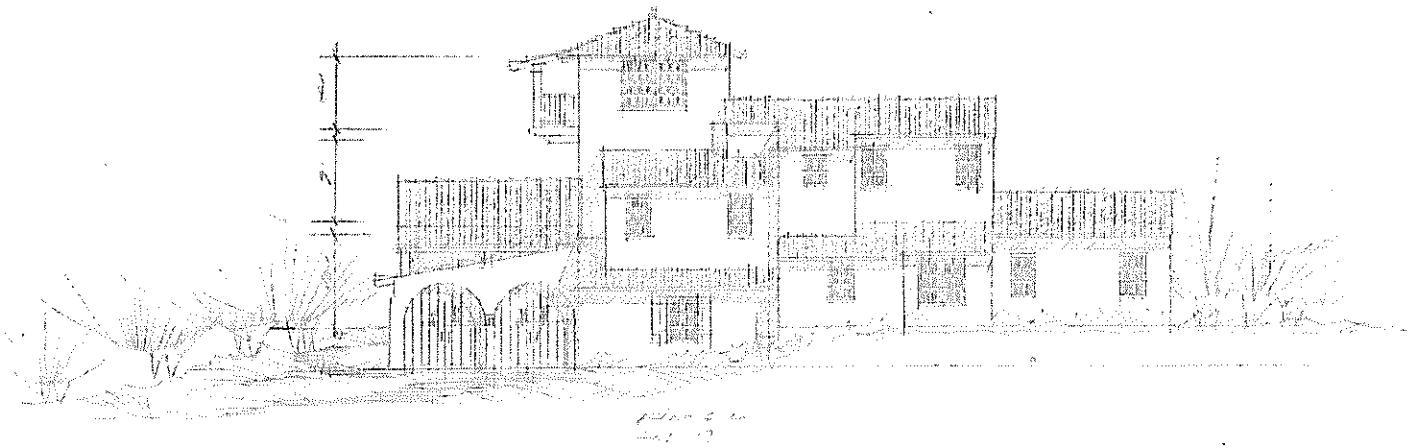
MONTE NIDO

MALIBU, CALIFORNIA

VINTAGE COMMNUNITIES
CALIFORNIA PACIFIC HOMES
09.06.12
2A-1.1



FRONT ELEVATION
PLAN 4D-LOT 17



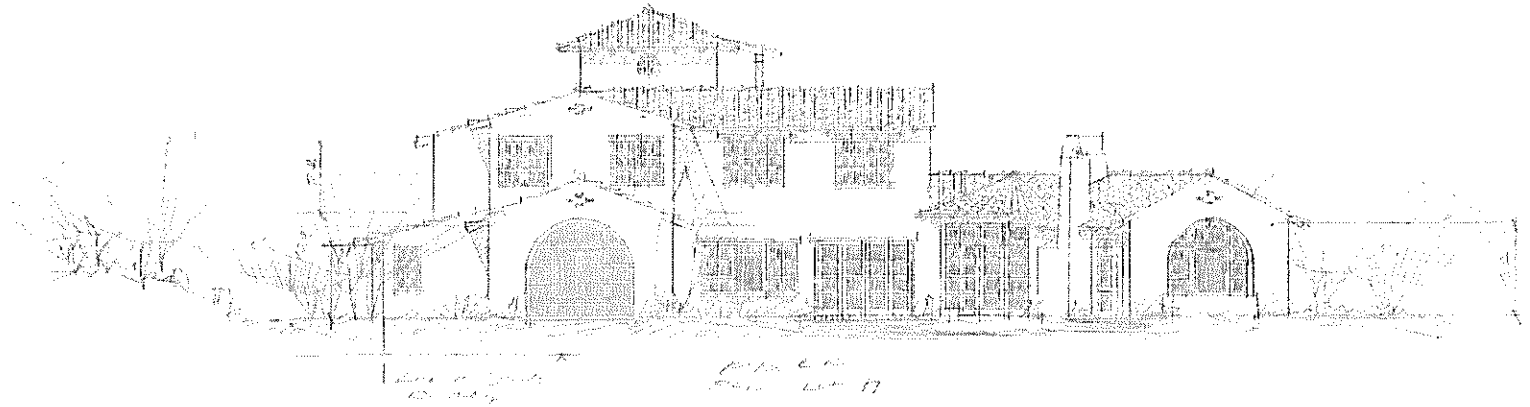
RIGHT ELEVATION
PLAN 4D-LOT 17

0 4 16
2 8

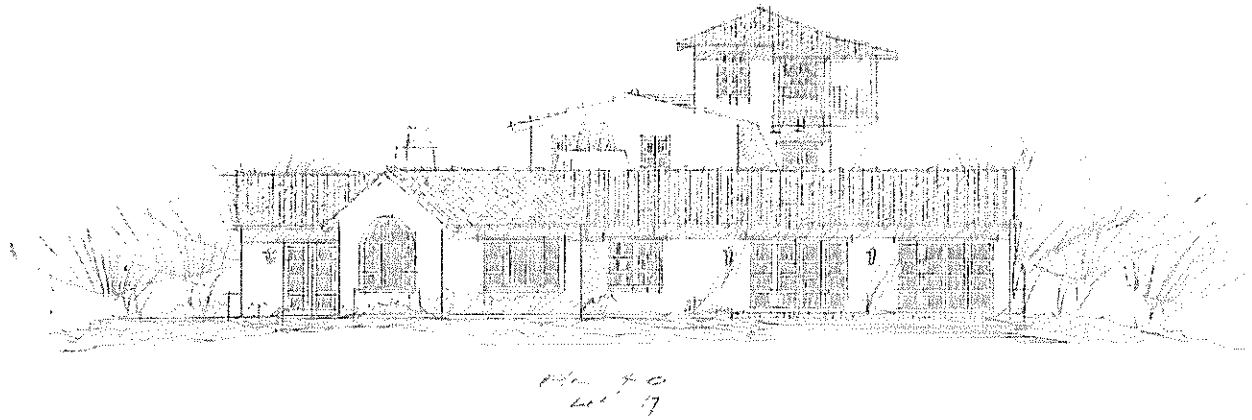
Angelena Associates, Inc.
110 City Plaza Drive, Santa Ana, CA 92705

MONTE NIDO
MALIBU, CALIFORNIA

VINTAGE COMMUNITIES
CALIFORNIA PACIFIC HOMES
08.17.12



REAR ELEVATION
PLAN 4D-LOT 17



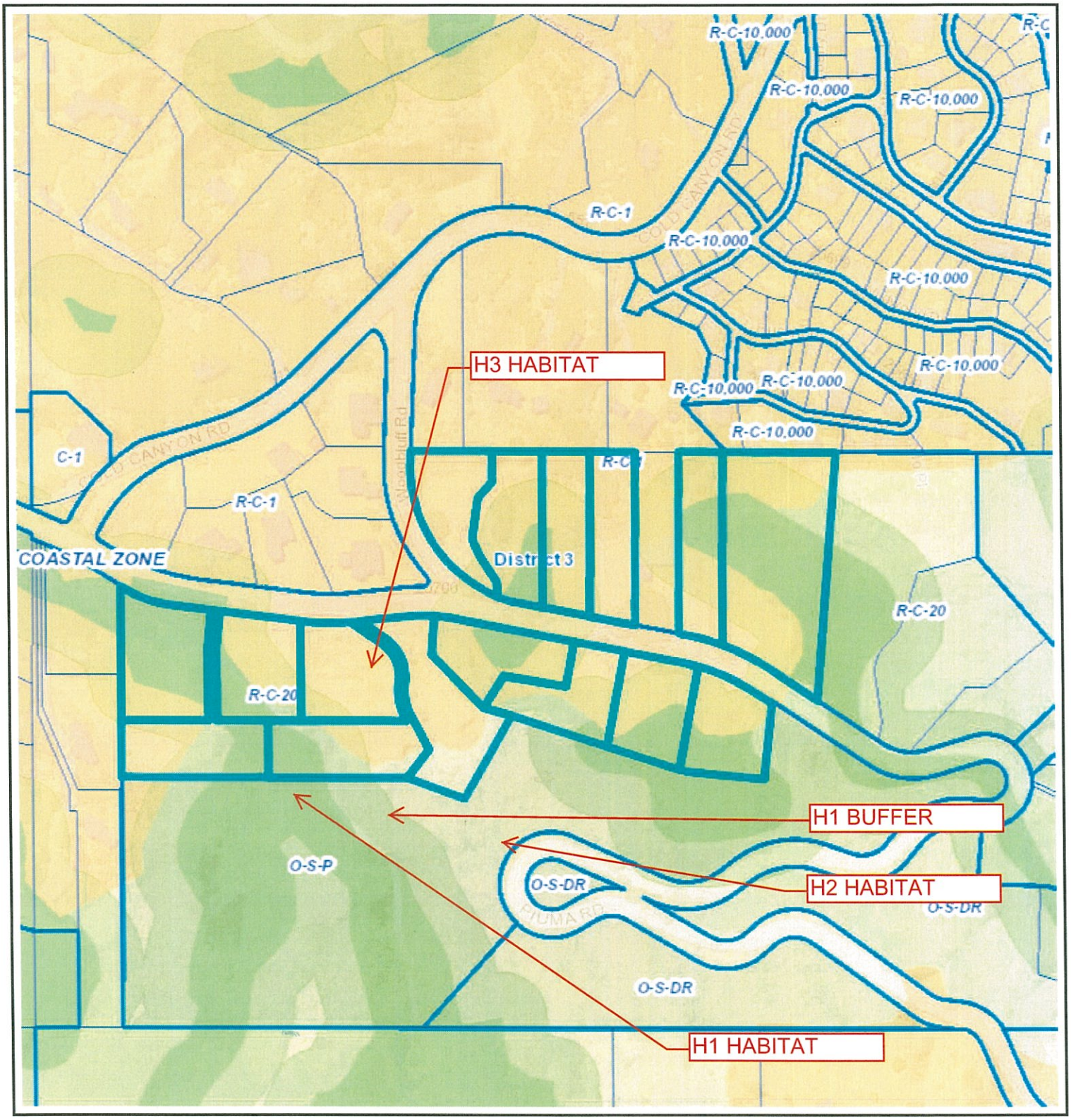
LEFT ELEVATION
PLAN 4D-LOT 17

0 4 16
2 8

MONTE NIDO
MALIBU, CALIFORNIA

VINTAGE COMMUNITIES
CALIFORNIA PACIFIC HOMES
08.17.12

Angeleno Associates, Inc.



Created in GIS-NET3

LCP Bio Resource Map of Monte Nido Tract

Printed: Mar 24, 2015

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N

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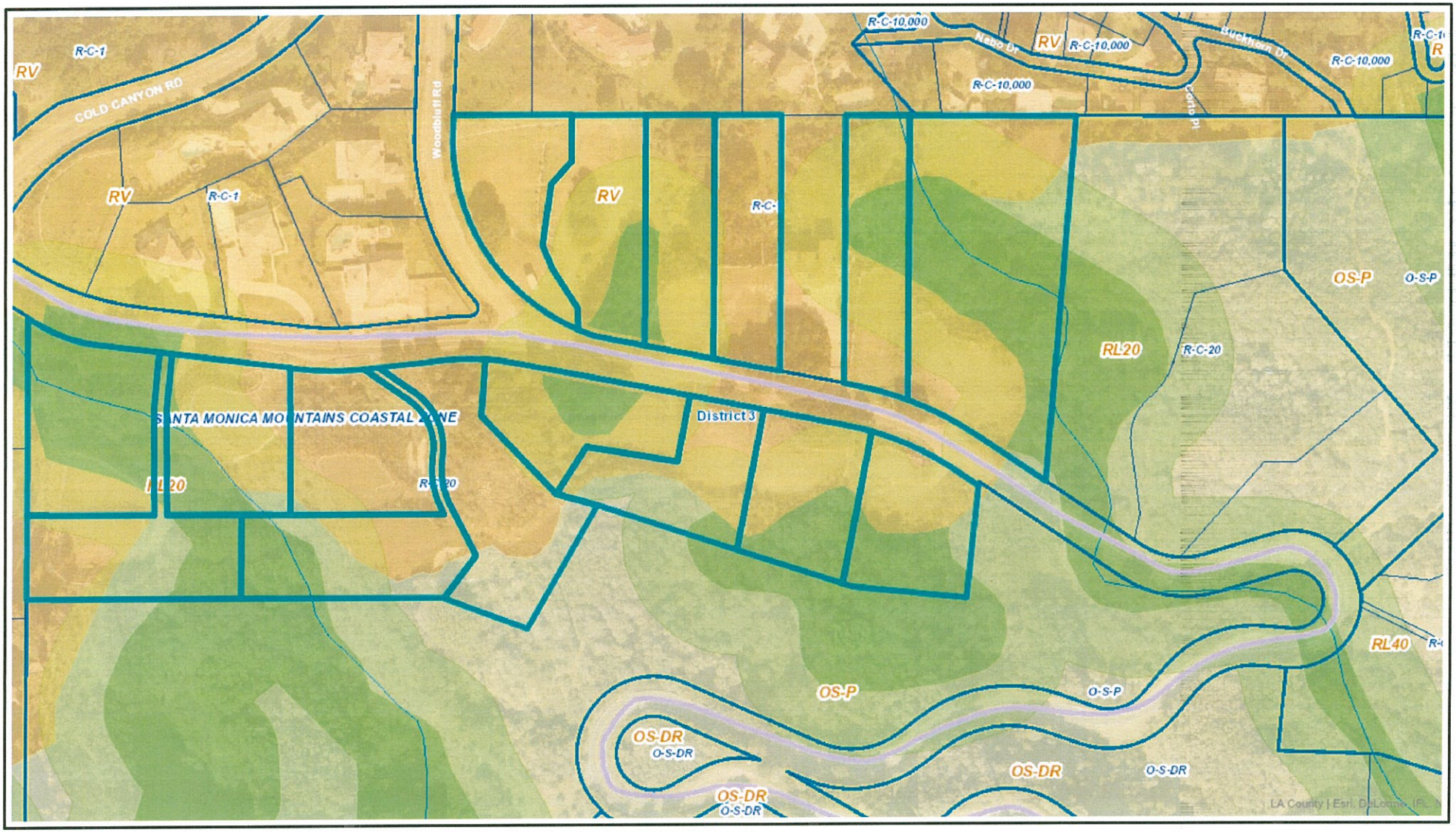
Feet



Created in GIS-NET3

Bio Resource Area of Monte Nido Tract

Printed: Mar 23, 2015

0 500
Feet

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MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Unincorporated Coastal Zone, Santa Monica Mountains, Los Angeles County
Meeting of 19 November 2012

(Approved via electronic mail 20 November 2012)

Persons in Attendance

ERB Members
Rosi Dagit
David Magney
Andrew Nickerson

Regional Planning Staff
Joe Decruyenaere
Shirley Imsand, PhD
Gina Natoli
Rudy Silvas

Project Applicants / Representatives

Item 1

Imad Aboujawdah	(805) 522-2622
Richard Ibarra	(805) 558-8733
Daryl Koutnik, PhD	(949) 753-7001

Item 2

Jim Anderson	(818) 879-4700
Travis Cullen	(818) 879-4700
Tom Hix	(650) 269-8930
Richard Ibarra	(805) 558-8733
Kathleen Truman	(213) 629-5300

AGENDA ITEMS

NEW BUSINESS

1. **TR38931:** Five plot plans along Piuma and Woodbluff Roads

   a. **Project No.: R2012-02436 / Permit Nos.: RPP T201200970, RENV T201200258 / APN: 4456-038-006**
   25645 Piuma Road, Calabasas—Attachment 1

   b. **Project No.: R2012-02437 / Permit Nos.: RPP T201200971, RENV T201200259 / APN: 4456-038-003**
   25677 Piuma Road, Calabasas—Attachment 1

   c. **Project No.: R2012-02438 / Permit Nos.: RPP T201200972, RENV T201200260 / APN: 4456-038-015**
   25666 Piuma Road, Calabasas—Attachment 1

d. **Project No.: R2012-02439 / Permit Nos.: RPP T201200973, ROAK T201200038, RENV T201200261 / APN: 4456-038-014 25664 Piuma Road, Calabasas—Attachment 1**

e. **Project No.: R2012-02440 / Permit Nos.: RPP T201200974, ROAK T201200039, RENV T201200262 / APN: 4456-038-001 420 Woodbluff Road, Calabasas—Attachment 1**

2. **Project No.: TR071735 / Permit Nos.: TR071735, CUP201100122, PKP201100005 / APNs: 2058-015-003, -013, -037, -045, -046; 4471-001-028, -029, -032 – -037, -039, -041 – -043; 4471-002-010, -011, -026, -027; 4471-003-010, -011, -030 – -032; 4471-021-028, -033, -034 901 Encinal Canyon Road, Malibu, California 90265** (Malibu Institute)—**Attachment 2**

OTHER MATTERS

3. **Public comment pursuant to Section 54954.3 of the Government Code**—No comments from the public were made.

ANNOUNCEMENTS

Minutes of the 20 August 2012 meeting were approved by electronic mail on 2 October 2012. Andrew Nickerson motioned to approve and Ron Durbin seconded the motion.

By unanimous approval by ERB and project proponents, Shirley Imsand, PhD and Gina Natoli were granted *pro tempore* status as ERB members for the purpose of providing a quorum.

NOTE: ERB meetings are informal working sessions. Members are appointed as volunteers to serve in an advisory capacity. Minutes are prepared by planning staff from notes and tape. Visitors are advised to take notes or record the meeting. New or clarified information presented in biota revisions may raise new issues and require further analysis. Minutes are generally approved via electronic mail. Draft minutes may be requested but are subject to revision. Meetings are open for public observation, and brief comments may be made by the public about the biology of the project sites.

ENVIRONMENTAL REVIEW BOARD

TR38931: Five plot plans along Piuma and Woodbluff Roads, as described below under a – e

a. **Project No.: R2012-02436**
Permit Nos.: RPP T201200970, RENV T201200258
APN: 4456-038-006
Location: 25645 Piuma Road, Calabasas

Proposal: New two-story 4,119 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 42,837 sq. ft. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).

b. **Project No.: R2012-02437**
Permit Nos.: RPP T201200971, RENV T201200259
APN: 4456-038-003
Location: 25677 Piuma Road, Calabasas

Proposal: New two-story 4,119 sq. ft. single-family residence, with associated pool, septic system, hardscape, and landscaping. The subject property is 40,037 sq. ft. Proposed grading includes 0 CY cut and 75 CY fill (75 CY import).

c. **Project No.: R2012-02438**
Permit Nos.: RPP T201200972, RENV T201200260
APN: 4456-038-015
Location: 25666 Piuma Road, Calabasas

Proposal: New two-story 5,234 sq. ft. single-family residence, with associated retaining walls, hardscape, and landscaping. The subject property is 40,059 sq. ft. Proposed grading includes 150 CY cut and 0 CY fill (150 CY export).

d. **Project No.: R2012-02439**
Permit Nos.: RPP T201200973, ROAK T201200038, RENV T201200261
APN: 4456-038-014
Location: 25664 Piuma Road, Calabasas

Proposal: New two-story 4,435 sq. ft. single-family residence, with pool, retaining walls, hardscape, and landscaping. The subject property is 40,027 sq. ft. Proposed grading includes 275 CY cut and 10 CY fill (265 CY export).

e. **Project No.: R2012-02440**
Permit Nos.: RPP T201200974, ROAK T201200039, RENV T201200262

APN: 4456-038-001
Location: 420 Woodbluff Road, Calabasas

Proposal: New three-story 5,411 sq. ft. single-family residence, with pool, retaining walls, hardscape, and landscaping. The subject property is 40,127 sq. ft. Proposed grading includes 560 CY cut and 0 CY fill (560 CY export).

a – e. Applicant: Imad Aboujawdah

Resource: Malibu/Cold Creek Resource Management Area and ESHAs

Request: Review the proposed development and provide recommendations to be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).

Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

ERB Meeting date: 19 November 2012
ERB Evaluation: ___ Consistent _X_ Consistent after Modifications
___ Inconsistent

Comments and Recommendations

1. It is not necessary to impact the oak tree on Lot 1 (RPP T201200974) in order to develop the site. Reduce the size or modify the orientation of the residence in order to avoid the oak tree encroachment.
2. Springtime surveys for sensitive plants and invertebrates are needed; *Calochortus catalinae* and *Navarretia ojaiensis* are known from the area and may potentially occur on site. In the event that these or other sensitive species are detected on site, provide mitigation for their avoidance and preservation.
3. The vegetation map and vegetation descriptions confound disturbed areas with ruderal areas, and the biological report is not consistent in the use of naming conventions relating to association and alliance; some of the nomenclature is out of date (*e.g. Mimulus aurantiacus* is now *Diplacus longiflorus* in this region) or imprecise (lacking subspecific epithets).
4. Riparian and jurisdictional resource areas should be mapped and shown on all plot plans wherever present. All development should be sited at least 100 feet from these areas. If such setbacks are not possible, a functional analysis is recommended to assess project impacts and suitable mitigation. The Hydrogeomorphic Assessment Method (HGM) is preferred over the California Rapid Assessment Method (CRAM).
5. Use pervious pavers to the greatest extent possible; incorporate provisions to retain at least the first inch of stormwater on site within cisterns, bioswales, or other facilities; rather than moving concrete drainage devices and replacing in-kind, replace with bioswales in order to improve the quality of water leaving the site.
6. Limit security fencing to fuel-modification zone A/B; any property perimeter fencing shall be wildlife friendly and accommodate the movement of all wildlife in the area.

7. Minimize outdoor lighting in observance of Rural Lighting District standards. All security lighting should be on motion-detectors and shielded so as not to illuminate adjacent natural areas.
8. Avoid large reflective surfaces in order to reduce the likelihood of bird strikes.
9. Implement a temporary erosion control plan during construction, in keeping with RWQCB requirements. Site septic facilities as far as possible from public open space and oak trees; incorporate T-filters and micropore treatments in order to protect water quality.
10. More natives are needed in the landscaping plan. Non-natives may be used but only within the irrigated A/B fuel-modification zone. Avoid invasive non-natives, California natives not indigenous to the project region, and cultivars of native plants that pose a hybridization potential with local genotypes. Use saltgrass (*Distichlis spicata*) rather than standard turf grasses for bocce courts and other high-traffic recreational features. No vineyards, orchards, or lawns shall be placed outside of fuel-modification zone A/B.
11. Fish's milkwort, southern California black walnut, and oak woodland habitats should be protected from fuel-modification impacts.

Staff Evaluation: ___ Consistent _X_ Consistent after Modifications
___ Inconsistent

Comments and Recommendations

1. Incorporate project design features and provide a drainage plan to ensure detention of storm water complies with current RWQCB requirements.
2. Submit a landscape/fuel modification plan for review and approval by DRP; landscaping shall provide a visual screening and erosion-preventative function. New landscaping shall consist only of locally indigenous native plants outside of fuel-modification zone A/B.
3. Provide a report of spring surveys for sensitive plants and invertebrates, along with additional mitigation measures for the protection of these species if detected on site.
4. Provide a delineation of riparian and jurisdictional resources along with a CRAM or HGM functional analysis and mitigation measures if 100' setbacks are not feasible.

ENVIRONMENTAL REVIEW BOARD

PROJECT NO. TR071735

ERB MEETING DATE 19 NOVEMBER 2012

BIOLOGICAL CONSTRAINTS ANALYSIS DATED SEPTEMBER 2012

First ERB Meeting

PROPOSED PROJECT: development of a retreat center, redesigned golf course, and appurtenant facilities on an existing country club site. Three permits are sought:

TR071735: The applicant proposes to create 29 nonresidential lots, including two golf course lots, one pro shop/maintenance facility/clubhouse lot, one guest bungalows lot, one institute/meeting rooms lot, one project entry lot, and 23 open space lots on 650 acres.

CUP201100122: The applicant requests a conditional use permit:

- to develop a sports-oriented educational retreat which includes educational and meeting facilities, overnight visitor-serving accommodations in 40 bungalows, a warehouse, a cart storage building, a clubhouse with spa and pool, a pro shop, a maintenance building, and a restaurant/bar/cocktail lounge;
- to develop a redesigned 18-hole golf course;
- to allow the continued sale of alcoholic beverages for on-site consumption;
- to allow on-site grading totaling 240,000 CY;
- to allow continued use and operation of a helipad in a R-R zone;
- to construct and use an approximately 1,000,000 gallon water tank and associated water line to replace the existing 100,000 gallon water tank on the property; and
- to allow caretaker dwelling units.

PKP201100005: The applicant requests a parking permit to allow the use of 387 shared parking spaces between lots.

The subject property is located at 901 Encinal Canyon Road, Malibu, California 90265, Malibu, within the **Zuma Canyon Significant Watershed and ESHAs**.

SENSITIVE ENVIRONMENTAL RESOURCE DESCRIPTION: Zuma Canyon Significant Watershed (inclusive of Trancas Canyon) is one of the least disturbed and most remote canyon systems in the Santa Monica Mountains. The slopes are vegetated with coastal sage scrub and chaparral; the canyon bottom supports freshwater pools and a diverse riparian woodland. Distinctive freshwater fauna, including species such as western pond turtles and native fishes, are associated with the pools scattered throughout the narrow reaches of the canyon. Bobcats, mountain lions, and many other secretive species continue to be reported in Zuma Canyon. Historically, Zuma Canyon was a nesting habitat for golden eagle and peregrine falcon. The Zuma Canyon watershed is largely undeveloped, disturbed only by firebreaks and dirt roads. Development is generally confined to the upper and lower limits of the watershed.

ERB COMMENTS AND RECOMMENDATIONS:

1. Trancas Canyon supports a population of rainbow trout (*Oncorhynchus mykiss irideus*) and has been identified as a potential watershed for the re-establishment of a passage for anadromous steelhead (CalTrout 2006). Provide a discussion of habitat values and identify passage impediments for steelhead within the project site. Incorporate habitat buffers and features to improve steelhead passage in the design of the project. The passage concept is available from CDFG; a public meeting to discuss the passage will be held in Ventura in January 2013.
2. Conduct surveys for shoulderband snails (*Helminthoglypta* spp.), special-status fish, Coast Range newt (*Taricha torosa*), western pond turtle (*Emys marmorata*), and bats. Provide discussions of their potential presence on site and project related impacts.
3. Discuss the suitability of the site for reintroduction of California red-legged frog (*Rana draytonii*).
4. Develop a crayfish and bullfrog eradication plan for the project.
5. Incorporate project design features to ensure detention of storm water complies with current RWQCB requirements.
6. Incorporate a permanent trail easement in the project design.

ACTION TAKEN: Further ERB review is required; incorporate the above comments and recommendations in a Biota Report which considers project impacts in light of the biological constraints of the project site.

MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Unincorporated Coastal Zone, Santa Monica Mountains, Los Angeles County
Meeting of 24 February 2014

(Approved as amended, 16 June 2014)

Persons in Attendance

ERB Members
Rosi Dagit
Suzanne Goode
Margot Griswold, Ph.D.
David Magney

Regional Planning Staff
Samuel Dea, Planner
Kevin Finkel, Planner
Shirley Imsand, PhD, Coordinator
Gina Natoli, Planner
Rudy Silvas, Planner

Malibu Institute, TR071735-(3), RENV 201100192, CUP 201100122, p.2-3, 10-13

Jim Anderson	janderson@envicomcorporation.com	818-879-4700
Tom Hix	tom@hixcompanies.com	650-269-8930
Primo Tapia	ptapia@envicomcorporation.com	818-879-4700
Kathleen Truman	ktruman@trumanelliott.com	213-629-5300

Monte Nido Estates, TR38931, RENV 201200025, p.4-8, 14-19

Imad Aboujawdah	imad@civildesignanddrafting.com	805-522-2622
Richard Ibarra	treesetc.richard@gmail.com	805-558-8733
Daryl Koutnik, Ph.D.	d.koutnik@pcrnet.com	949-753-7001
Bill McKibbin	bmckibbin@calpacifichomes.com	949-833-6104

MINUTES

Strikeout text indicates what was said at meeting and later corrected.

RECOMMENDATIONS SUMMARY:

I. Discussion of Enforcement of Landscape, Recommendations:

A. Include landscape check on Public Works checklist; coordinate with Public Works to perform check. (Timing could be a problem in that some landscapes are installed after the Public Works check.)
B. Fund a position for biologist or biologist-planner who could aid in doing landscape checks for compliance at the Calabasas office.
C. Make it policy that any landscape requirement is a condition of approval.
D. Make the landscape plan a condition for occupancy in the Coastal Development Permit.
E. Attach the landscape requirement to the deed and have the landscape requirement travel with the deed in perpetuity.
F. Attach any landscape requirement to the annual check for brush clearance.
G. To landscape plans, add exclusion of existing plants with high hazard qualities such as *Eucalyptus* spp. and palm trees.

IV. Project No. TR071735-(3), Malibu Institute
Educational Retreat & Conference Center, with renovation of existing 18-hole golf course
Address: 901 Encinal Canyon Road, Malibu
Permit Nos.: TR No. 071735, CUP No. 201100122, PKP No. 20110005; RENV 201100192
Retreat Center APNs: 4471-001-034, 4471-001-035, 4471-002-010, 4471-002-011, 4471-021-034, 4471-003-030
Planners: Samuel Dea and Kevin Finkel
Applicant: Thomas Hix for Malibu Institute, L.L.C.
Biologists: James Anderson and Primo Tapia of Envicom Corporation
USGS 7.5' Quad: Point Dume
Materials are available: http://planning.lacounty.gov/case/view/tr071735-3/

RECOMMENDATIONS SUMMARY:

1. The stream system of Trancas Creek should be restored within the golf course for connectivity and daylighted as much as possible. The pond and stream system should be connected from the headwaters, through the golf course, through the dam between the ponds, and should extend to natural drainages at the south end of the project site near Encinal Canyon Road into Trancas Creek on the southern side of Encinal Canyon Road. The pumped water system does not need to be used, as water should not be put into the Santa Monica Mountains where it does not exist naturally.
Recommendation: Rosi Dagit and amendment Gina Natoli / 2nd: Suzanne Goode
Ayes: Dagit, Goode, Magney, Natoli / Abstain: Griswold

2. As much as possible, and where compatible with golf course management, the golf course should try to use native grasses as part of landscape component of the fairway and roughs for the golf course. This will be less problematic for invasive characteristics of non-native plants and reduce water use. Suggested plants are White yarrow (*Achillea millefolium*); Salt-grass (*Distichlis spicata* ssp. *spicata*); and Clustered field sedge (*Carex praegracilis*).
Recommendation: David Magney / 2nd Suzanne Goode / Ayes: Unanimous

3. Bioswales should all be green bioswales with absorptive native plants.
Recommendation: David Magney, 2nd Suzanne Goode, Ayes: Unanimous

4. Monitoring for the reintroduction of invasive plant and animal species and removal if found shall be done annually.
Recommendation: Suzanne Goode / 2nd Rosi Dagit / Ayes: Unanimous

5. Floristic surveys shall be performed for sensitive species such as lichens, bryophytes, and vascular plant floras, and surveys are needed for invertebrate insects and mollusks (such as *Helminthoglypta traskii traskii*).
Recommendation: David Magney / 2nd Suzanne Goode / Ayes: Unanimous

6. Sensitive native animal species shall be held when possible during renovations for later replacement to and throughout the restored and undeveloped part of the site; mitigation lands or credits may need to be purchased for sensitive species that are found and cannot be held; for some relocations; for sensitive species assumed to be present; and for cumulative loss of habitat.
Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

7. ERB stated that they do not have any objections to the contents of DRP biologist Joseph Decruyenaere's report and that they shall approve his recommendation as is.
Recommendation: Rosi Dagit / 2nd David Magney / Ayes: Unanimous

CONSISTENCY:
8. ERB recommends that the Malibu Institute Project is inconsistent with the 1986 Malibu Land Use Plan due to the high-intensity use in a Significant Watershed. The facilities and conference center plan introduces a high-intensity use, too much built environment, and too many visitors to the Significant Watershed of Trancas Creek. The new golf course plan is still too extensive for this sensitive habitat.
Recommendation: Rosi Dagit / 2nd David Magney / Ayes: Unanimous

Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014
ERB Evaluation: ___ Consistent ___ Consistent after Modifications
_X_ Inconsistent ___ No decision

Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014
Staff Recommendation: ___ Consistent _X_ Consistent after Modifications
___ Inconsistent ___ No decision

Suggested Modifications: Comply with all ERB recommendations numbers 1-7.

1. The improvements to water quality and runoff and removal of invasive species in the Malibu Institute Project plan are all sorely needed for the Trancas Creek Significant Watershed and its biological communities.
2. The reconnection of the stream and water features with the natural watershed system of Trancas Creek is a good idea. Flood control needs should be thoroughly investigated to determine if the golf course natural habitat can take care of what is needed without concrete dams and spillways on the water courses of the watershed that connect with the Malibu Institute. Any man-made drainage structures that can be eliminated should be removed or redesigned to permit wildlife connectivity. Such structures are all impediments to wildlife and plant connectivity. Culverts should be redesigned as possible to permit wildlife and plants to transit through the dam between the ponds (Trancas Lakes) and under Encinal Road. Reconnecting the watershed should be done with the aim of restoring wildlife and plant movement through the area of the Malibu Institute.
3. Daylighting should be done as much as possible, particularly at the periphery of the Golf Course.

V. Tract Map TR38931, Monte Nido Estates
Eleven Plot Plans, 25631 through 25752 Piuma Rd., Malibu
Permit Nos.: RENV 201200025
Planner: Rudy Silvas
Applicant: Imad Aboujawdah
Biologist: Dr. Daryl Koutnik, PCR
USGS 7.5' Quad: Malibu Beach
Materials are available: http://planning.lacounty.gov/case/view/tr38931/

A. Project No.: R2013-03620
Permit No.: RPP T201301334
APN: 4456-038-019
Location: 25724 Piuma Rd., Calabasas
Proposal: New 2-story, 4,119 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 700 CY cut and 100 CY fill (600 CY export).
Materials are available: http://planning.lacounty.gov/case/view/r2013-03620/

B. Project No.: R2013-03621
Permit No.: RPP T201301335
APN: 4456-038-002
Location: 25693 Piuma Rd., Calabasas
Proposal: New 2-story, 4,440 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 100 CY cut and 500 CY fill (400 CY import).
Materials are available: http://planning.lacounty.gov/case/view/r2013-03621/

C. Project No.: R2013-03622
Permit No.: RPP T201301336
APN: 4456-038-018
Location: 25722 Piuma Rd., Calabasas
Proposal: New 2-story, 4,407 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).
Materials are available: http://planning.lacounty.gov/case/view/r2013-03622/

D. Project No.: R2013-03623
Permit No.: RPP T201301337
APN: 4456-038-017
Location: 25720 Piuma Rd., Calabasas
Proposal: New 3-story, 5,411 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 0 CY fill (350 CY export).
Materials are available: http://planning.lacounty.gov/case/view/r2013-03623/

E. Project No.: R2013-03624
Permit No.: RPP T201301338
APN: 4456-038-020
Location: 25734 Piuma Rd., Calabasas
Proposal: New 2-story, 3,662 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 450 CY cut and 75 CY fill (375 CY export).
Materials are available: http://planning.lacounty.gov/case/view/r2013-03624/

F. Project No.: R2013-03625
Permit No.: RPP T201301339

APN: 4456-038-007
Location: 25631 Piuma Rd., Calabasas
Proposal: New 2-story, 5,234 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03625/

G. Project No.: R2013-03626
Permit No.: RPP T201301340
APN: 4456-038-021
Location: 25750 Piuma Rd., Calabasas
Proposal: New 2-story, 4,407 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 700 CY cut and 0 CY fill (700 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03626/

H. Project No.: R2013-03627
Permit No.: RPP T201301341
APN: 4456-038-016
Location: 25680 Piuma Rd., Calabasas
Proposal: New 2-story, 3,636 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 420 CY cut and 0 CY fill (420 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03627/

I. Project No.: R2013-03628
Permit No.: RPP T201301342
APN: 4456-038-013
Location: 25634 Piuma Rd., Calabasas
Proposal: New 2-story, 4407 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 320 CY cut and 0 CY fill (320 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03628/

J. Project No.: R2013-03629
Permit No.: RPP T201301343
APN: 4456-038-004
Location: 25675 Piuma Rd., Calabasas
Proposal: New 2-story, 5,318 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03629/

K. Project No.: R2013-03630
Permit No.: RPP T201301344
APN: 4456-038-022
Location: 25752 Piuma Rd., Calabasas
Proposal: New 2-story, 3,732 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 480 CY cut and 100 CY fill (380 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03630/

RECOMMENDATIONS SUMMARY:

1. Structure footprints should be at least 100 feet away from the edge of the riparian vegetation along the stream.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

2. Building footprints should be at least 50 feet from edge of oak woodlands, more distant if possible, to avoid impacts from any required fuel modifications.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

3. No residential development should be allowed within the boundaries of proposed ESHA.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

BIOLOGICAL RESOURCES ASSESSMENT:

4. Preconstruction surveys for biological resources should include surveys for, and assessments of: lichen, bryophyte, and vascular plant floras, and surveys for assessments of impacts to invertebrate fauna. Several species of invertebrates, including insects and mollusks (such as *Helminthoglypta traskii traskii*), are known to occur in the area (Santa Monica Mountains).

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

MITIGATION AREAS

5. Items 5g (lot 21) and 5k (lot 22) at the western end of the tract should be combined, and the area and driveway should be retired from development. This will better preserve the habitats of oak woodland, which already has major ground clearance for fire safety, and nearby watercourse riparian area. The retired lots should then go into the TDC Program (Transfer of Development Credits) of the proposed Local Coastal Program.

Recommendation: David Magney / Amendment, Gina Natoli / 2nd Rosi Dagit / Ayes: Unanimous

6. Oak impacts on the driveway flag area will, therefore, not need to occur. If the lots are not retired, then an Oak Tree Permit application is needed.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

LANDSCAPE RESTRICTIONS:

7. Landscape plans shall be for locally native plants only. Locally indigenous plants are to be from the Santa Monica Mountains. Drought-tolerant plants and allowances should be followed. There shall be no invasive plants approved on any landscape plan for the tract. The DRP invasive list and the Cal-IPC invasive list shall be used to determine prohibited plants. A list of typical plants to avoid shall be attached to the landscape plan with the phrase "Non-natives that are specifically prohibited include, but are not limited to, palm trees (family Arecaceae), pampas grass (*Cortaderia* spp.), Pepper trees (*Schinus* spp.), *Eucalyptus* spp."

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

8. The restriction to use locally native plants in landscapes shall be a condition on the permit and on the deed that shall pass with the land in perpetuity.

Recommendation: David Magney / 2nd Rosi Dagit / Ayes: Unanimous

9. Native plant landscaping proposed to screen the development from aesthetic views (from public lands, the Backbone Trail and other public trails, high areas such as Saddle Peak, and the scenic Piuma Road) shall be secondary to design that can make the development less obtrusive. Design elements that shall first be applied are: a. lower heights and b. siting of the houses and accessory buildings out of sight.

Recommendation: Gina Natoli / 2nd David Magney / Ayes: Unanimous

PROJECT PLANS AND DETAILS OF DESIGN:

All of the recommendations drafted by DRP Biologist Joseph Decruyenaere were adopted as follows:

10. Applicant must clearly delineate ESHA locations on all plans.

Recommendation: Rosi Dagit, 2nd Gina Natoli, Ayes: Unanimous

11. Riparian and jurisdictional resource areas should be mapped and shown on all plot plans wherever present. The bridge crossing will require permitting from CDFW and USACE. Include a CRAM or HGM functional analysis and mitigation measures with the notification package sent to these agencies.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

12. Many of the areas mapped as "ruderal" in the biological report are manufactured slope areas that appear to have been planted with native species—chiefly native grasses and coyote bush, presumably as an erosion control method. Although this vegetation is artificially created and the County does not regard it as sensitive, it is not ruderal and should not be mapped as such.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

13. A drainage plan is needed showing 100% capture of a 3/4" storm, collecting both irrigation and rainfall runoff from roofs, driveways, and other hardscaped areas. For drainage and runoff control, ERB recommends using cisterns to capture and store water for irrigation and fire-fighting purposes.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

14. Incorporate project design features and provide a drainage plan to ensure detention of storm water complies with current RWQCB requirements.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

15. Implement a temporary erosion control plan during construction in keeping with RWQCB requirements. Site septic facilities as far as possible from public open space and oak trees; incorporate filtration or micropore treatments in order to protect water quality.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

16. The house and other buildings shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

17. Submit a landscape/fuel modification plan for review and approval by DRP; landscaping shall provide a visual screening and erosion-preventative function. New landscaping shall consist only of locally indigenous native plants outside of Fuel-Modification Zone A/B.

Recommendation: Rosi Dagit, 2nd Gina Natoli, Ayes: Unanimous

18. Fish's milkwort (*Polygala cornuta* var. *fishiae*), southern California black walnut (*Juglans californica*), oak woodland, and ESHA should be depicted on fuel modification plans and protected from fuel-modification impacts.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

19. The fuel modification plan should follow the standard regulations:

- Zone A: 20 ft. wide; irrigated; non-invasive ground covers
- Zone B: 30 ft. wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees
- Zone C: Beyond Zones A & B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2 – 3 year schedule, with clumps adjacent to one another in alternate pruning times.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

20. In preparing Zone C for fuel modification:

- Retain as many non-sprouting species as possible. (They usually have a single trunk.) Do not cut off the trunk in pruning, as this kills the plant.
- Choose multiple-trunked, re-sprouting species for removal over non-sprouters. The remaining multi-trunked shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2–3 years between prunings for any one clump. Re-sprouting species can be pruned to near ground level.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

21. Perimeter fencing shall not be allowed; however, security fencing adjacent to the house is acceptable, for example, around a swimming pool.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

22. Exterior night lighting shall be minimized in observance of Rural Outdoor Lighting District standards, using low intensity (not exceeding 800 lumens) lights on low stature (2.5-3 ft.) fixtures. Lights shall be directed downwards with full shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or a motion sensor. Refer to the Rural Outdoor Lighting District Ordinance for restrictions on shielding, height, intensity, and encroachment, especially 22.44.540.A – D:
http://planning.lacounty.gov/view/rural_outdoor_lighting_district_ordinance.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

23. Avoid large reflective surfaces on house exteriors in order to reduce the likelihood of bird strikes.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

CONSISTENCY:

24. The ERB recommends that the project is consistent with the County Local Coastal Program for the Santa Monica Mountains after it follows all recommendations outlined above.

Recommendation Rosi Dagit / 2nd Margot Griswold / Ayes: Unanimous

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Monte Nido Estates, TR38931, ERB Meeting Date: 24 February 2014

ERB Evaluation: ___ Consistent _X_ Consistent after Modifications
___ Inconsistent ___ No decision

Staff Biologist Recommendation:

Monte Nido Estates,TR39031, ERB Meeting Date: 24 February 2014

___ Consistent _X_ Consistent after Modifications
___ Inconsistent ___ No decision

Suggested Modifications:

1. Comply with all ERB recommendations. On setbacks the planner needs to allow what has previously been permitted, but follow the ERB recommendations as much as possible on the projects reviewed at the 24 February 2014 meeting.
2. For any oak tree permit, the oaks in the island of project V.B. (lot 2) appear to be impacted by clearing for the project. Assessment should be made for encroachment on those trees.
3. Fuel modification and clearing up to the protected zones of oak trees are serious impacts on oak woodlands, because the oak shallow roots extend over 3 times the canopy radius, beyond the protected zone that is legislated for single oak trees. Brush clearance and fuel modification remove essential parts of the oak woodland community, even if removals do not include oak trees. Fuel modification on all the project sites will be impacting oak woodland, and there should be an assessment of oak woodland impacted acreage (including fuel modification) compared to non-impacted oak woodland acreage in the parcels proposed for open space. The standard used for mitigation is generally twice the acreage in mitigation of the acreage of impact. If the impact-free oak woodland acreage proposed for open space is not 2 times the impacted acreage (including off-site impact), then mitigation should be expanded to include enough oak woodland to equal 2 times the impacted acreage of oak woodland. Retirement of development on the parcels in ERB Recommendation No.5 above could remove some impacts and add some mitigation acreage for oak woodland.
4. Parcels proposed for open space shall have the deeds retire any future development rights, and there shall be a conservation easement on those parcels held by a conservation organization.

MINUTES: DISCUSSION COMMENTS AND RECOMMENDATIONS

ANNOUNCEMENTS / DISCUSSION ITEMS:

I. **Report on Study Group Meeting on Enforcement of Landscape Requirements: Drought-tolerant, Fire-Safe, and Native.** Shawn Skeries from Zoning Enforcement and Gina Natoli provided information to the ERB. Currently landscape requirements may or may not be added to conditions of a project. Inspections for compliance are conducted by the Building & Safety Division of Public Works, and these reviews are concerned with building construction and safety issues like setbacks, not with landscaping requirements. Enforcement at DRP is complaint-driven, so no landscape checks are done outside of complaints, and very few complaints are about landscaping. Enforcement does not have manpower to check every element of land use. For landscaping complaints, enforcement needs one of the DRP biologists to accompany the enforcement officer. Fire department does a review for brush clearance annually. Several suggestions were made for capturing landscape requirements into continuing review for compliance.

A. **Include landscape check on Public Works checklist; coordinate with Public Works to perform check. (Timing could be a problem in that some landscapes are installed after the Public Works check.**
B. **Fund a position for biologist or biologist-planner who could aid in doing landscape checks for compliance at the Calabasas office.**
C. **Make it policy that any landscape requirement is a condition of approval.**
D. **Make the landscape plan a condition for occupancy in the Coastal Development Permit.**
E. **Attach the landscape requirement to the deed and have the landscape requirement travel with the deed in perpetuity.**
F. **Attach any landscape requirement to the annual check for brush clearance.**
G. **To landscape plans, add exclusion of existing plants with high hazard qualities such as *Eucalyptus* spp. and palm trees.**

IIA. Directive of County Counsel on ERB staffing and Bylaws. Re-organization of the ERB with a Chairman and Co-chairman would be done under Bylaws, but ERB does not have Bylaws, and it would be complex to produce these. ERB members will retain the current organization with DRP biologist coordinating and chairing the meetings.

IIB. The new Land Use Program for County Coastal Zone in the Santa Monica Mountains was approved by the County Board of Supervisors on 11 February 2014, and the Program is proceeding in process of review with review by the California Coastal Commission. ERB will be tasked with a revision of review process and have additional responsibilities in review.

OLD BUSINESS

III. **Approval of Comments & Recommendations and Minutes of ERB meeting of 21 October 2013.**
Recommendation to approve: Suzanne Goode, 2nd Margot Griswold, Ayes: Unanimous

IV. Project No. TR071735-(3), Malibu Institute

Educational Retreat & Conference Center, with renovation of existing 18-hole golf course
Address: 901 Encinal Canyon Road, Malibu
Permit Nos.: TR 071735, CUP No. 201100122, PKP No. 20110005; RENV 201100192
Retreat Center APNs: 4471-001-034, 4471-001-035, 4471-002-010, 4471-002-011, 4471-021-034, 4471-003-030
Planners: Samuel Dea and Kevin Finkel
Applicant: Thomas Hix for Malibu Institute, L.L.C.
Biologists: James Anderson and Primo Tapia of Envicom Corporation
USGS 7.5' Quad: Point Dume
Materials are available: http://planning.lacounty.gov/case/view/tr071735-3/

Proposal: The applicant is proposing to remodel an existing 18-hole golf course and develop a retreat and conference center with overnight accommodations on approximately 650 acres of an assemblage of 29 parcels (to be consolidated to 7 parcels if project is approved) spanning from north of Mulholland Drive to Encinal Canyon Road on the Project's south boundary at the entry to the existing Malibu Golf Course. All development is on previously disturbed land. The Project will use two of the parcels to develop an educational retreat and conference center, and it will remodel the existing 18-hole golf course to be on only 107 of the current 118 acres and have drainage and runoff controls for water quality improvement. The remaining five parcels (about 450 acres) will be dedicated as permanent open space to the National Park Service. The Project proposes constructing 224,760 square feet of structures, with a majority that will have a LEED™ Platinum rating or equivalent standard, reusing the building footprint of an existing 12,475-square foot clubhouse and cart barn complex. Grading consists of 120,000 cubic yards (c.y.) of cut and 120,000 c.y. of fill, to be balanced onsite, and a net increase of 201,125 sq.ft. of footprint of structures to a total of about 224,760 sq.ft. Part of the golf course will become Wellness/Fitness Center facilities and 40 bungalow structures with 160 rooms for up to 320 overnight guests. Water will be provided by the current system: from the Las Virgenes Municipal Water District and 6 existing wells that pump into an existing 100,000-gallon water tank. The existing caretaker unit of 875 sq.ft. will be retained; an abandoned 4160 sq.ft. residence will be removed. Most of the asphalt areas (185,000 sq.ft.) will be converted to permeable paving and subsurface filtration, replacing the current system that discharges to Trancas Creek. The existing wastewater system is to be replaced by a new 40,000-gal./day tertiary treatment/recycling system, with recycled water used for golf course irrigation. An existing helicopter pad will be relocated and provided with a high pressure system for filling water bags of firefighting helicopters. About 1590 non-native trees will be removed, an exception being non-native oaks. The ponds (Trancas Lakes) are planned to be drained and dried to eliminate non-native fish and crayfish and reconfigured to have a basking area for native western pond turtles and a pumping system that will enable circulation of water through the ponds and improved water quality.
Resources: The subject parcels are chiefly in the headwaters of the **Significant Watershed of Trancas Canyon**, and the golf course is centered on Trancas Canyon and a major tributary to Trancas connecting within the golf course from the east. The Project development is entirely within the proposed Coastal Zone of the proposed Santa Monica Mountains Significant Ecological Area. Much of the buildings and parking lots are within the **Trancas Canyon Significant Watershed SERA. Plummer's mariposa-lily** is reported from the part of the Project site to be conserved. **Cooper's hawk** and **coastal whiptail lizard** are reported from developed parts of the site. **Western pond turtles** are found in the ponds. The applicant reports that **12 adult western pond turtles have been logged and tagged in the ponds; but no juvenile turtles were found. A Significant Ridgeline dividing Zuma Canyon on the east and Trancas Canyon on the west is on part of the Project site to be conserved. The Backbone Trail is located** in part on the Zuma Ridge Motorway that is on the significant ridgeline. **Malibou Lake Connecting Trail** is adjacent to the western edge of the Project area to be conserved.
Request: Review the proposed development and provide recommendations to be used as guidelines for the Regional Planning Commission's consideration of land use entitlements and as part of any necessary environmental review of the Project under the California Environmental Quality Act (CEQA).

The project was previously reviewed by ERB on 19 November 2012:
http://planning.lacounty.gov/assets/upl/agenda/erb_20121119-minutes.pdf

The applicant approved of Gina Natoli serving *pro-tempore* to fulfill the ERB quorum.

APPLICANT'S PRESENTATION: All of the project components are to be located in areas that are already disturbed. The Project will redesign the golf course placing 18 holes on 107 ~~60~~ of current 118 ~~80~~-acre area, and install infrastructure upgrades to use less water and provide better filtration of water through sub-surface layers and bioswales. The approximate 20 acres of the golf course bordering the clubhouse area will be used to accommodate the development of 40 bungalows, each with four double-occupancy bedrooms and no kitchen facilities. Built space will be redesigned into

conference facilities and education and health club facilities. All food waste will be composted. Lighting will be designed to conform to the "Dark Sky" criteria, such as by removal of overhead parking lot lighting. The project will increase the footprint of structures by 201,125 sq.ft. to a total of about 224,760 ~~224,000~~ sq.ft. The facility will be self-contained and not need to send people out to lodgings outside the Project, which greatly reduces the broad spread of impacts. Using solar panels on the parking lots and roof-tops will provide shades and will generate approximately 2/3 of the Project's power needs. Roofs on some of the buildings will have solar panels or be vegetated, and roof water runoff will be collected and reused. Golf course ponds are naturally, entirely fed by springs, and the new design will add a system to pump water upstream so that flow will oxygenate the water and obviate current stagnant conditions, and ponds will be aerated. The onsite tertiary recycling system (sewage system) will be underground and effluent will provide approximately 10% of the golf course's irrigation needs. The project will require 194.21 acre feet/yr from Las Virgenes Water District, which is a reduction of current potable water needs by 32%. ~~(Current water use is about 330 acre feet/year which will reduce to 282 acre feet/year of potable water supplied by the Las Virgenes Water District for 15% reduction.)~~ Water conservation measures include removal of about 2,000 non-native trees and use of a sterile, hybrid Bermuda grass that requires minimal water and minimal fertilization, is very drought-tolerant, and sterile, though it does spread by rhizomes. The irrigation system will be replaced with a much more efficient and modern system. Non-native trees are to be replaced with native plants under guidance of the Mountains Restoration Trust, which has already collected acorns for this purpose from native oaks on the property. Greens will have a constructed 2.5 to 3-ft. subsurface filtration system, that will route filtered irrigation water to bioswales between the greens and the Trancas Creek system of ponds and constructed stream course on the golf course. The conference asphalt area will have permeable paving draining into a subsurface filtering and collection system that will also lead to bioswales. When the bioswales have water, it will be used in irrigation. The Project has a conditional letter of acceptance from the National Park Service for the over 450 acres of open space that will be donated to the Recreation Area as permanent open space.

A letter on behalf of the applicant from Dr. Lee Kats of Pepperdine University, who has studied the biota of the Malibu Institute property and Trancas Canyon, was distributed to the ERB members. (This letter will be included with the ERB public comments document and posted on the website for the meeting.)

ERB COMMENTS, DISCUSSION, & RECOMMENDATIONS

1. ERB states that the Malibu Institute Project has been thoughtfully and responsibly designed, and the effort that has gone into every detail to make it responsive to environmental concerns is greatly appreciated.

2. The stream system of Trancas Creek should be restored within the golf course for connectivity and daylighted as much as possible. The pond and stream system should be connected from the headwaters, through the golf course, through the dam between the ponds, and should extend to natural drainages at the south end of the project site near Encinal Canyon Road into Trancas Creek on the southern side of Encinal Canyon Road. The pumped water system does not need to be used, as water should not be put into the Santa Monica Mountains where it does not exist naturally.
Comments by DRP:
The pumped water system does not need to be used, as it is natural for the Creek bed to be dry most of the year. Natural flow in the rainy season and the pond aeration will be sufficient to prevent stagnation. Turtles will be able to live with this kind of restoration, and newts probably can adapt to it too. Erosion should not be a problem if done correctly.

Recommendation: Rosi Dagit and amendment Gina Natoli / 2nd: Suzanne Goode
Ayes: Dagit, Goode, Magney, Natoli / Abstain: Griswold

Applicant's Response: Daylighting the stream area would require moving an estimated 700,000 cu.yd. of earth, which would preclude the renovation of the golf course and development of overnight visitor-serving accommodations on the Project site. The fill substrate is being used to filter the effluent of the golf course, so it is providing a benefit to leave it in place. The biological advice from Dr. Kats did not recommend daylighting the old creek bed. The applicant will research the feasibility of daylighting and restoring some sections to accommodate connectivity through the golf course and to the natural habitat to the extent possible.

3. The project scope should be reduced both for size of golf course and the size of the conference center, both to reduce water consumption and to reduce overall impact of persons. An increase in the built environment of a large facility by a factor of 10, even a facility on 650 acres, is not consistent with the 1986 Local Coastal Program for a Significant Watershed.

Recommendation: Rosi Dagit

Applicant's Response: Costs of all the restorative measures necessitate having the project size that has been designed. The restoration will not take place if the Project is not designed to earn a profit. The County has indicated that it wants to have the golf course function continue, and the Project is incorporating the best measures known to provide a golf course with the minimum of impacts possible.

4. As much as possible, and where compatible with golf course management, the golf course should try to use native grasses as part of landscape component of the fairway and roughs for the golf course. This will be less problematic for invasive characteristics of non-native plants and reduce water use. Suggested plants are White yarrow (*Achillea millefolium*); Salt-grass (*Distichlis spicata* ssp. *spicata*); and Clustered field sedge (*Carex praegracilis*).

Recommendation: David Magney / 2nd Suzanne Goode / Ayes: Unanimous

Applicant's Response: The applicant stated that they would speak with their golf turf consultants at Michigan State University and University of California, Riverside, about incorporating the native species identified. The applicant also noted their willingness to reach out to turf experts at the University of California, Davis, or other local institution as suggested by ERB.

5. Bioswales should all be green bioswales with absorptive native plants.

Recommendation: David Magney, 2nd Suzanne Goode, Ayes: Unanimous

6. Monitoring for the reintroduction of invasive plant and animal species and removal if found shall be done annually.

Recommendation: Suzanne Goode / 2nd Rosi Dagit / Ayes: Unanimous

Applicant's Response: The applicant stated that they do not object to this recommendation and that Mitigation Measure 11 in the EIR addresses this recommendation.

7. Floristic surveys shall be performed for sensitive species such as lichens, bryophytes, and vascular plant floras, and surveys are needed for invertebrate insects and mollusks (such as *Helminthoglypta traskii traskii*). The applicant has agreed and planned to conduct preconstruction survey for these species.

Recommendation: David Magney / 2nd Suzanne Goode / Ayes: Unanimous

Applicant's Response: The applicant agreed and has planned to perform preconstruction survey for these species as indicated in the proposed MMRP.

8. Sensitive native animal species shall be held when possible during renovations for later replacement to and throughout the restored and undeveloped part of the site; mitigation lands or credits may need to be purchased for sensitive species that are found and cannot be held; for some relocations; for sensitive species assumed to be present; and for cumulative loss of habitat.

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

9. ERB stated that they do not have any objections to the contents of DRP biologist Joseph Decruyenaere's report and that they shall approve his recommendation as is.

Recommendation: Rosi Dagit / 2nd David Magney / Ayes: Unanimous

CONSISTENCY:

The ERB voted on recommendations 1-9 as noted above, except for the recommendation #3 on consistency. Following this vote, the applicant and his representatives were told that their item for discussion had concluded, the project did not need to come back before ERB, and the recommendations stand. After completing other business on the agenda, the ERB returned to the item to discuss project consistency without the project planner or applicant group present.

A discussion was held concerning whether the project scope should be reduced both for size of golf course and the size of the conference center, both to reduce water consumption and to reduce overall impact of persons. An increase in the built environment of a large facility by a factor of 10, even a facility on 650 acres, is not consistent with the 1986 Local Coastal Program for a significant watershed.

10. ERB recommends that the Malibu Institute Project is inconsistent with the 1986 Malibu Land Use Plan due to the high-intensity use in a Significant Watershed. The facilities and conference center plan introduces a high-intensity use, too much built environment, and too many visitors to the Significant Watershed of Trancas Creek. The new golf course plan is still too extensive for this sensitive habitat.

Recommendation: Rosi Dagit / 2nd David Magney / Ayes: Unanimous

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Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014

ERB Evaluation: ___ Consistent ___ Consistent after Modifications
X Inconsistent ___ No decision

Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014
Staff Recommendation: ___ Consistent _X_ Consistent after Modifications
___ Inconsistent ___ No decision

Suggested Modifications: Comply with all ERB recommendations numbers 1-9, except 3.

1. The improvements to water quality and runoff and removal of invasive species in the Malibu Institute Project plan are all sorely needed for the Trancas Creek Significant Watershed and its biological communities.
2. The reconnection of the stream and water features with the natural watershed system of Trancas Creek is a good idea. Flood control needs should be thoroughly investigated to determine if the golf course natural habitat can take care of what is needed without concrete dams and spillways on the water courses of the watershed that connect with the Malibu Institute. Any man-made drainage structures that can be eliminated should be removed or redesigned to permit wildlife connectivity. Such structures are all impediments to wildlife and plant connectivity. Culverts should be redesigned as possible to permit wildlife and plants to transit through the dam between the ponds (Trancas Lakes) and under Encinal Road. Reconnecting the watershed should be done with the aim of restoring wildlife and plant movement through the area of the Malibu Institute.
3. Daylighting should be done as much as possible, particularly at the periphery of the Golf Course.

V. Tract Map TR38931, Monte Nido Estates
Eleven Plot Plans, 25631 through 25752 Piuma Rd., Malibu
Permit Nos.: RENV 201200025
Planner: Rudy Silvas
Applicant: Imad Aboujawdah
Biologist: Dr. Daryl Koutnik, PCR
USGS 7.5' Quad: Malibu Beach

Tract Documents: Initial Study RENV 201200025 has been prepared for the 11 plot plans as well as five additional plot plans within TR38931. A new unified Biological Resources Assessment has been prepared for all plot plans. Public comment received is available on the website under the meeting date.

Resource: **Malibu-Cold Creek Resource Management Area** and **ESHAs** of **Riparian Oak Woodland** and **drainage courses tributary to Dark Canyon and Cold Creek**

V. Tract Map TR38931, Monte Nido Estates
Eleven Plot Plans, 25631 through 25752 Piuma Rd., Malibu
Permit Nos.: RENV 201200025
Planner: Rudy Silvas
Applicant: Imad Aboujawdah
Biologist: Dr. Daryl Koutnik, PCR
USGS 7.5' Quad: Malibu Beach
Materials are available: http://planning.lacounty.gov/case/view/tr38931/

B. Project No.: R2013-03620
Permit No.: RPP T201301334
APN: 4456-038-019
Location: 25724 Piuma Rd., Calabasas
Proposal: New 2-story, 4,119 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 700 CY cut and 100 CY fill (600 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03620/

B. Project No.: R2013-03621
Permit No.: RPP T201301335
APN: 4456-038-002
Location: 25693 Piuma Rd., Calabasas
Proposal: New 2-story, 4,440 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 100 CY cut and 500 CY fill (400 CY import).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03621/

C. Project No.: R2013-03622
Permit No.: RPP T201301336
APN: 4456-038-018
Location: 25722 Piuma Rd., Calabasas
Proposal: New 2-story, 4,407 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03622/

D. Project No.: R2013-03623
Permit No.: RPP T201301337
APN: 4456-038-017
Location: 25720 Piuma Rd., Calabasas

Proposal: New 3-story, 5,411 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 0 CY fill (350 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03623/

E. Project No.: R2013-03624
Permit No.: RPP T201301338
APN: 4456-038-020
Location: 25734 Piuma Rd., Calabasas
Proposal: New 2-story, 3,662 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 450 CY cut and 75 CY fill (375 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03624/

F. Project No.: R2013-03625
Permit No.: RPP T201301339
APN: 4456-038-007
Location: 25631 Piuma Rd., Calabasas
Proposal: New 2-story, 5,234 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03625/

G. Project No.: R2013-03626
Permit No.: RPP T201301340
APN: 4456-038-021
Location: 25750 Piuma Rd., Calabasas
Proposal: New 2-story, 4,407 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 700 CY cut and 0 CY fill (700 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03626/

I. Project No.: R2013-03627
Permit No.: RPP T201301341
APN: 4456-038-016
Location: 25680 Piuma Rd., Calabasas
Proposal: New 2-story, 3,636 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 420 CY cut and 0 CY fill (420 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03627/

I. Project No.: R2013-03628
Permit No.: RPP T201301342
APN: 4456-038-013
Location: 25634 Piuma Rd., Calabasas
Proposal: New 2-story, 4407 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 320 CY cut and 0 CY fill (320 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03628/

J. Project No.: R2013-03629
Permit No.: RPP T201301343
APN: 4456-038-004
Location: 25675 Piuma Rd., Calabasas

Proposal: New 2-story, 5,318 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03629/

K. **Project No.:** R2013-03630
Permit No.: RPP T201301344
APN: 4456-038-022
Location: 25752 Piuma Rd., Calabasas
Proposal: New 2-story, 3,732 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 480 CY cut and 100 CY fill (380 CY export).

Materials are available: http://planning.lacounty.gov/case/view/r2013-03630/

Request: Review the proposed development and provide recommendations to be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA). Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)]

Reviewed previously by ERB 19 November 2012:
http://planning.lacounty.gov/assets/upl/agenda/erb_20121119-minutes.pdf

The applicant approved of Gina Natoli serving *pro-tempore* to fulfill the ERB quorum.

ERB COMMENTS & RECOMMENDATIONS

SETBACKS:
-Planner Rudy Silvas stated that setbacks and driveways will need to be revised from what was posted to the ERB website. These revisions are still in process. Setbacks will be waived on some lots and driveways.

1. Structure footprints should be at least 100 feet away from the edge of the riparian vegetation along the stream.
Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

2. Building footprints should be at least 50 feet from edge of oak woodlands, more distant if possible, to avoid impacts from any required fuel modifications.
Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

3. No residential development should be allowed within the boundaries of proposed ESHA.
Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

BIOLOGICAL RESOURCES ASSESSMENT:
4. Preconstruction surveys for biological resources should include surveys for, and assessments of: lichen, bryophyte, and vascular plant floras, and surveys for assessments of impacts to invertebrate fauna. Several species of invertebrates, including insects and mollusks (such as *Helminthoglypta traskii traskii*), are known to occur in the area (Santa Monica Mountains).
Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

MITIGATION AREAS
5. Items 5g (lot 21) and 5k (lot 22) at the western end of the tract should be combined, and the area and driveway should be retired from development. This will better preserve the habitats of oak woodland, which already has major ground clearance for fire safety, and nearby watercourse riparian area. The retired lots should then go into the TDC Program (Transfer of Development Credits) of the proposed Local Coastal Program.
Recommendation: David Magney / Amendment, Gina Natoli / 2nd Rosi Dagit / Ayes: Unanimous

6. Oak impacts on the driveway flag area will, therefore, not need to occur. If the lots are not retired, then an Oak Tree Permit application is needed.
Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

LANDSCAPE RESTRICTIONS:

7. Landscape plans shall be for locally native plants only. Locally indigenous plants are to be from the Santa Monica Mountains. Drought-tolerant plants and allowances should be followed. There shall be no invasive plants approved on any landscape plan for the tract. The DRP invasive list and the Cal-IPC invasive list shall be used to determine prohibited plants. A list of typical plants to avoid shall be attached to the landscape plan with the phrase "Non-natives that are specifically prohibited include, but are not limited to, palm trees (family Arecaceae), pampas grass (*Cortaderia* spp.), Pepper trees (*Schinus* spp.), *Eucalyptus* spp."

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

8. The restriction to use locally native plants in landscapes shall be a condition on the permit and on the deed that shall pass with the land in perpetuity.

Recommendation: David Magney / 2nd Rosi Dagit / Ayes: Unanimous

9. Native plant landscaping proposed to screen the development from aesthetic views (from public lands, the Backbone Trail and other public trails, high areas such as Saddle Peak, and the scenic Piuma Road) shall be secondary to design that can make the development less obtrusive. Design elements that shall first be applied are: a. lower heights and b. siting of the houses and accessory buildings out of sight.

Recommendation: Gina Natoli / 2nd David Magney / Ayes: Unanimous

PROJECT PLANS AND DETAILS OF DESIGN:

All of the recommendations drafted by DRP Biologist Joseph Decruyenaere were adopted as follows:

10. Applicant must clearly delineate ESHA locations on all plans.

Recommendation: Rosi Dagit, 2nd Gina Natoli, Ayes: Unanimous

11. Riparian and jurisdictional resource areas should be mapped and shown on all plot plans wherever present. The bridge crossing will require permitting from CDFW and USACE. Include a CRAM or HGM functional analysis and mitigation measures with the notification package sent to these agencies.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

12. Many of the areas mapped as "ruderal" in the biological report are manufactured slope areas that appear to have been planted with native species—chiefly native grasses and coyote bush, presumably as an erosion control method. Although this vegetation is artificially created and the County does not regard it as sensitive, it is not ruderal and should not be mapped as such.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

13. A drainage plan is needed showing 100% capture of a 3/4" storm, collecting both irrigation and rainfall runoff from roofs, driveways, and other hardscaped areas. For drainage and runoff control, ERB recommends using cisterns to capture and store water for irrigation and fire-fighting purposes. Consult www.oasisdesign.net for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and/or driveways. A cistern below a driveway may require a permeable surface.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

14. Incorporate project design features and provide a drainage plan to ensure detention of storm water complies with current RWQCB requirements.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

15. Implement a temporary erosion control plan during construction in keeping with RWQCB requirements. Site septic facilities as far as possible from public open space and oak trees; incorporate filtration or micropore treatments in order to protect water quality.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

16. The house and other buildings shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

17. Submit a landscape/fuel modification plan for review and approval by DRP; landscaping shall provide a visual screening and erosion-preventative function. New landscaping shall consist only of locally indigenous native plants outside of Fuel-Modification Zone A/B.

For guidance, refer to

a. The California Native Plant Society website (especially good for botanic gardens where native plants can be seen and for nurseries that carry native plant stock): http://www.cnps.org/

b. The Los Angeles County Fire List:
http://www.fire.lacounty.gov/wp-content/uploads/2014/02/Approved-Plant-List.pdf (Appendix IV)
And http://theodorepayne.org/plants/fire_resistant.htm

Recommendation: Rosi Dagit, 2nd Gina Natoli, Ayes: Unanimous

18. Fish's milkwort (*Polygala cornuta* var. *fishiae*), southern California black walnut (*Juglans californica*), oak woodland, and ESHA should be depicted on fuel modification plans and protected from fuel-modification impacts.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

19. The fuel modification plan should follow the standard regulations:

- Zone A: 20 ft. wide; irrigated; non-invasive ground covers
- Zone B: 30 ft. wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees
- Zone C: Beyond Zones A & B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2 – 3 year schedule, with clumps adjacent to one another in alternate pruning times.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

20. In preparing Zone C for fuel modification:

- Retain as many non-sprouting species as possible. (They usually have a single trunk.) Do not cut off the trunk in pruning, as this kills the plant.
- Choose multiple-trunked, re-sprouting species for removal over non-sprouters. The remaining multi-trunked shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2–3 years between prunings for any one clump. Re-sprouting species can be pruned to near ground level.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

21. Perimeter fencing shall not be allowed; however, security fencing adjacent to the house is acceptable, for example, around a swimming pool.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

22. Exterior night lighting shall be minimized in observance of Rural Outdoor Lighting District standards, using low intensity (not exceeding 800 lumens) lights on low stature (2.5-3 ft.) fixtures. Lights shall be directed downwards with full shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or a motion sensor. Refer to the Rural Outdoor Lighting District Ordinance for restrictions on shielding, height, intensity, and encroachment, especially 22.44.540.A – D:
http://planning.lacounty.gov/view/rural_outdoor_lighting_district_ordinance.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

23. Avoid large reflective surfaces on house exteriors in order to reduce the likelihood of bird strikes.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

CONSISTENCY:

24. The ERB recommends that the project is consistent with the County Local Coastal Program for the Santa Monica Mountains after it follows all recommendations outlined above.

Recommendation Rosi Dagit / 2nd Margot Griswold / Ayes: Unanimous

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Monte Nido Estates, TR38931, ERB Meeting Date: 24 February 2014

ERB Evaluation: ___ Consistent _X_ Consistent after Modifications
___ Inconsistent ___ No decision

Staff Biologist Recommendation:
Monte Nido Estates,TR39031, ERB Meeting Date: 24 February 2014
___ Consistent _X_ Consistent after Modifications
___ Inconsistent ___ No decision

Suggested Modifications:

1. Comply with all ERB recommendations. On setbacks the planner needs to allow what has previously been permitted, but follow the ERB recommendations as much as possible on the projects reviewed at the 24 February 2014 meeting.
2. For any oak tree permit, the oaks in the island of project V.B. (lot 2) appear to be impacted by clearing for the project. Assessment should be made for encroachment on those trees.
3. Fuel modification and clearing up to the protected zones of oak trees are serious impacts on oak woodlands, because the oak shallow roots extend over 3 times the canopy radius, beyond the protected zone that is legislated for single oak trees. Brush clearance and fuel modification remove essential parts of the oak woodland community, even if removals do not include oak trees. Fuel modification on all the project sites will be impacting oak woodland, and there should be an assessment of oak woodland impacted acreage (including fuel modification) compared to non-impacted oak woodland acreage in the parcels proposed for open space. The standard used for mitigation is generally twice the acreage in mitigation of the acreage of impact. If the impact-free oak woodland acreage proposed for open space is not 2 times the impacted acreage (including off-site impact), then mitigation should be expanded to include enough oak woodland to equal 2 times the impacted acreage of oak woodland. Retirement of development on the parcels in ERB Recommendation No.5 above could remove some impacts and add some mitigation acreage for oak woodland.
4. Parcels proposed for open space shall have the deeds retire any future development rights, and there shall be a conservation easement on those parcels held by a conservation organization.

OTHER MATTERS

VI. Public comment pursuant to Section 54954.3 of the Government Code.

No Public Comment was made orally. Letters to ERB will be posted on the ERB webpage under the appropriate case.