

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

Please see Findings and Conditions posted under each project "approved in concept."

Please see Environmental Documentation posted under "Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting - 9/24/14"

Reviewed By: M. Glaser



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

PROJECT NUMBER **HEARING DATE**
 R2012-02436 to 02440 April 8, 2015
 & R2013-03620 to
 03630-(3)

REQUESTED ENTITLEMENTS
 Environmental Case No. 201200258

PROJECT SUMMARY

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 The plot plans were approved pursuant to the previously adopted 1986 Malibu Land Use Plan which has been replaced by the newly adopted 2014 Santa Monica Mountains Local Coastal Program.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:

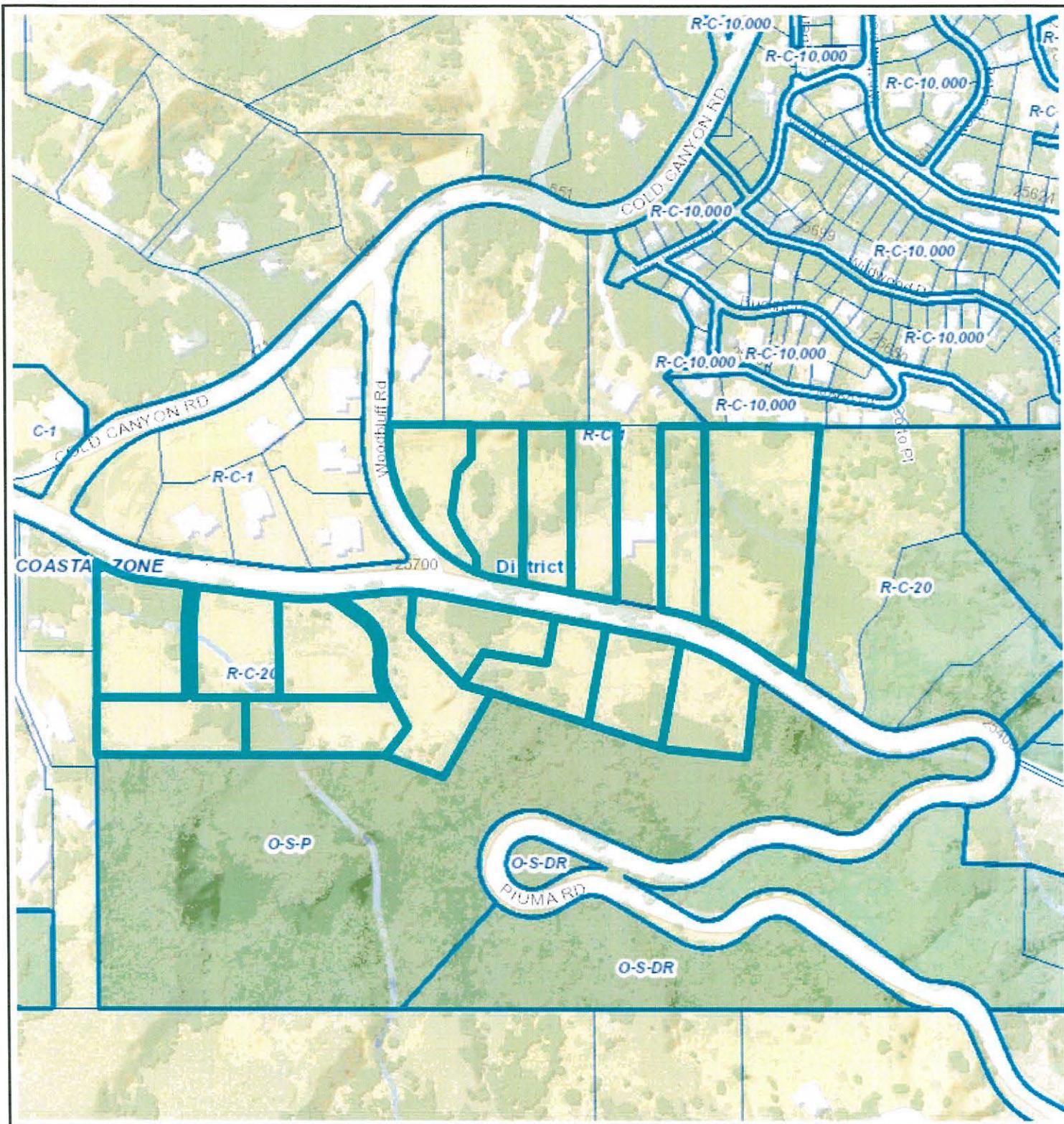
Rudy Silvas

PHONE NUMBER:

(213) 974-6438

E-MAIL ADDRESS:

rsilvas@planning.lacounty.gov



Created in GIS-NET3

Monte Nido Tract - 25700 Block of Piuma Rd.

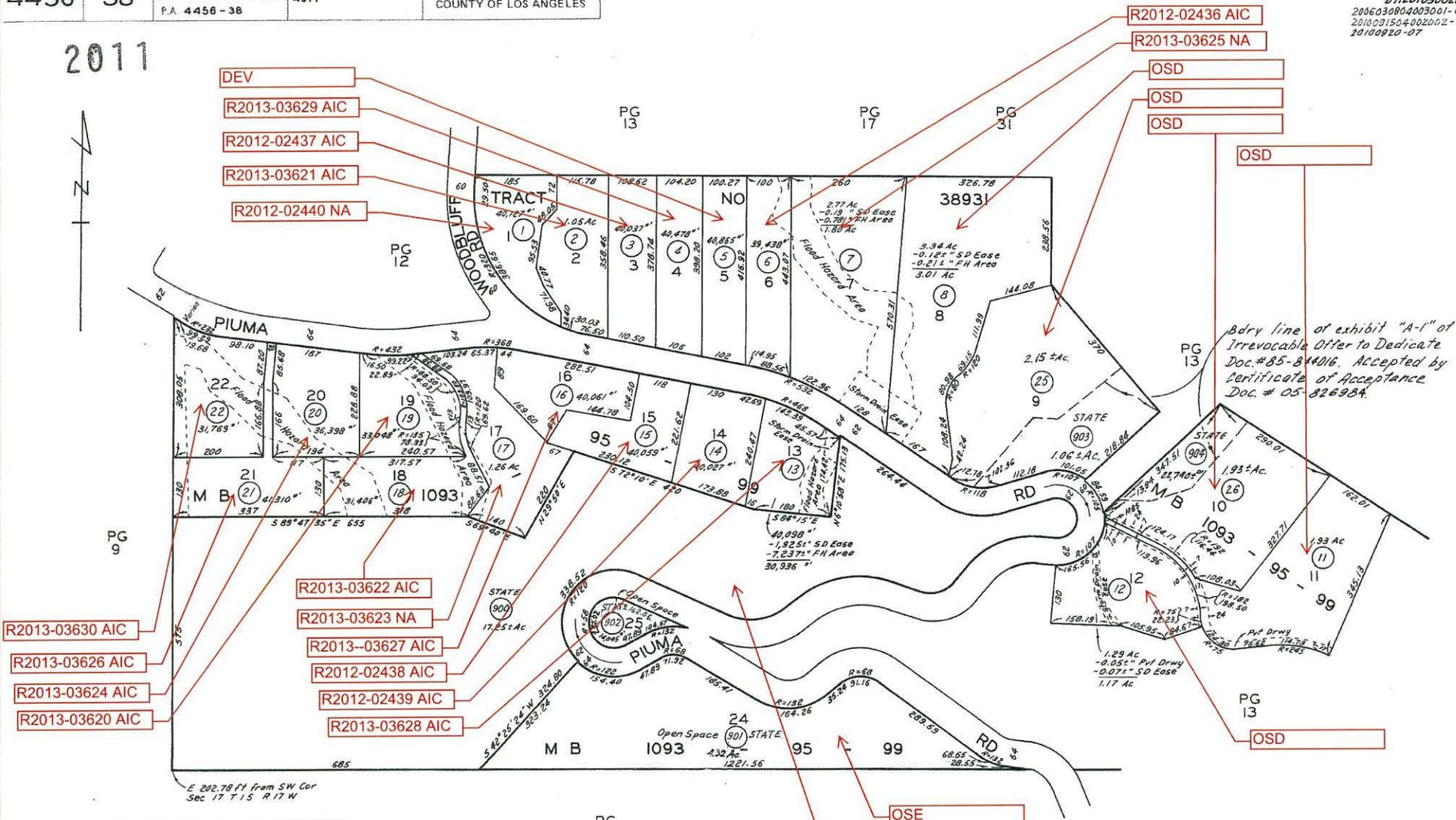
Printed: Mar 24, 2015



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2011



Bdry line of exhibit "A-1" of Irrevocable Offer to Dedicate Doc.#85-84406. Accepted by Certificate of Acceptance Doc.# 05-826984.

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):

Decision Date: Director Hearing Officer
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:

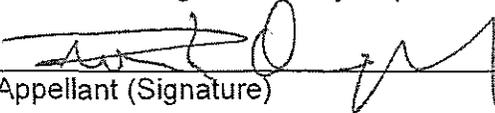
_____ List conditions here

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: Phase 1:

25645 Piura Road, Monte Nido (Project R2012-02436): APN: 4456-038-006
25677 Piura Road, Monte Nido (Project R2012-02437): APN: 4456-038-003
25666 Piura Road, Monte Nido (Project R2012-02438): APN: 4456-038-015
25664 Piura 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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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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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.

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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.

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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.

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Los Angeles County
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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.

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Sincerely,
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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
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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.

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c: Zoning Enforcement



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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 Coastal 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, 2015 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, 2015. 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, 2015, 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, 2015, 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 F. 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

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.

Mi Kim
October 1, 2013
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2. The document does not disclose that the road improvements along the frontage of the subdivision on Pioma 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:

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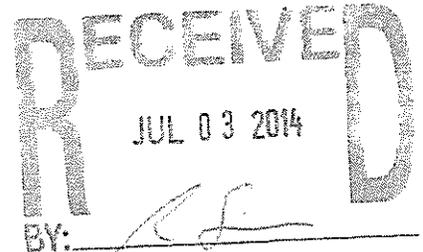
COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

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.

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

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Rudy Silvas
July 1, 2014
Page 2

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

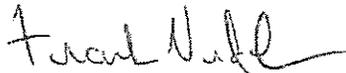
1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and 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)
WOODBLOFF 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

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

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENDORA	IRWINDALE	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

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.

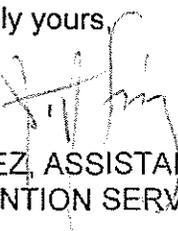
Rudy Silvas, Planner
August 28, 2014
Page 4

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



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
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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).

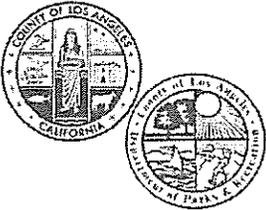
Those conditions are reported below:

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

c: Parks and Recreation (N. E. Garcia, K. King, L. Bradley, O. Ruano)





COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

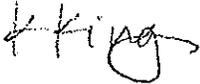
"Parks Make Life Better!"

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:

Alejandrina Baldwin
April 24, 2013
Page 3

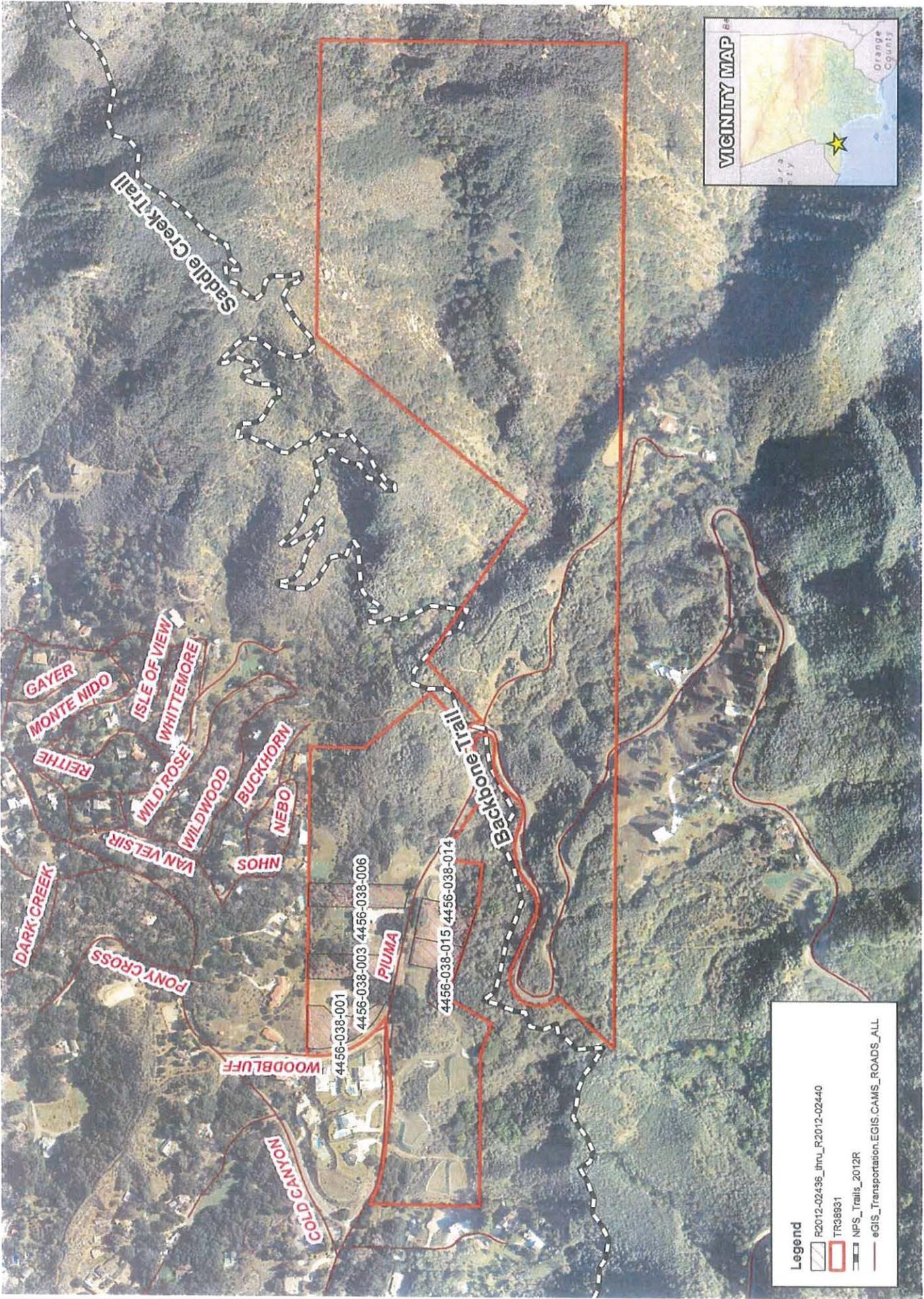
"We hereby dedicate to _____, as approved in writing by the Director of the County of Los Angeles Department of Parks and Recreation, a twenty-foot (20') wide trail easement for (allowed uses), as shown on Exhibit " _____ " for purposes of the Backbone Trail. Full public access shall be provided for 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)



Legend

- R2012-02436 thru R2012-02440
- TR38831
- NPS_Trails_2012R
- eGIS_Transportation.EGIS.CAMS_ROADS_ALL

TRAIL REVIEW: CEQA Consultation R2012-02436 through R2012-02440 (Monte Nido Estates)
 County of Los Angeles | Department of Parks & Recreation

Prepared By: Planning, OR
 Parcels: LA County Assessor
 Subdivision Activity: Department of Regional Planning
 NPS Trails: National Parks Service/Roads
 Thomas Brothers (All rights reserved)
 Aerial: LAR-IACS

500 Feet

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



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 Pioma 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 Pioma 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 through 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

Mr. Rudy Silvas
Los Angeles County, Dept: of Regional Planning
June 24, 2014
Page 2 of 6

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. CNDDDB Record Search. Additionally, several species were discounted as possibly occurring because the closest CNDDDB record is several miles away. The CNDDDB 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 CNDDDB. A nine-quadrangle search of the CNDDDB 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.

Mr. Rudy Sifvas
Los Angeles County, Dept. of Regional Planning
June 24, 2014
Page 3 of 6

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

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.

Mr. Rudy Silvas
Los Angeles County, Dept. of Regional Planning
June 24, 2014
Page 4 of 6

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

Mr. Rudy Silvas
Los Angeles County, Dept. of Regional Planning
June 24, 2014
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<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.

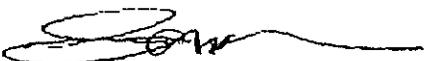
- c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously 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.

Mr. Rudy Silvas
Los Angeles County, Dept. of Regional Planning
June 24, 2014
Page 6 of 6

- 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, Carpinteria
Mr. Scott Harris, CDFW, Pasadena
Mr. Brock Warmuth, CDFW, Camarillo
Mr. Scott Morgan, State Clearinghouse

cc: Mr. Steve Hudson
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801
(805) 585-1800
FAX #: (805) 641-1732

Re: Monte Nido/Vintage Development, Project No. R-2012-02436 to R2012-02440 & R2013-03620 to R2013-03630

RECEIVED
MAY 14 2014
BY: 

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 will 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 "Pioma 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 accidentally 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

President Monte Nido Valley Community Association

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 - (415) 543-2555

COASTAL DEVELOPMENT PERMIT

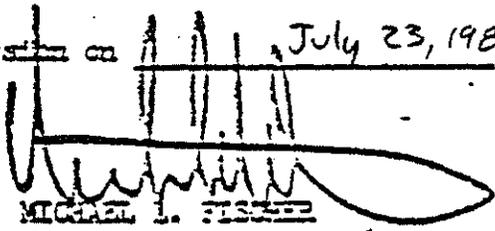
On July 28, 1983, by a vote of 6 to 3, the California Coastal Commission granted to Quaker Corporation Permit A- 5-83-4, subject to the conditions set forth below, for development consisting of division of 102 acres into 22 one acre lots for residential use

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at on Piuna 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. FISHER
Executive Director

By Mark Delaplane
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.

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.



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Aerial of Monte Nido Tract

Printed: Mar 23, 2015



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NOTICE OF INTENT

FOR THE PROPOSED CONSTRUCTION OF A NEW RESIDENTIAL DEVELOPMENT

IN THE CITY OF PALM SPRINGS

AND THE COUNTY OF RIVERSIDE

STATE OF CALIFORNIA

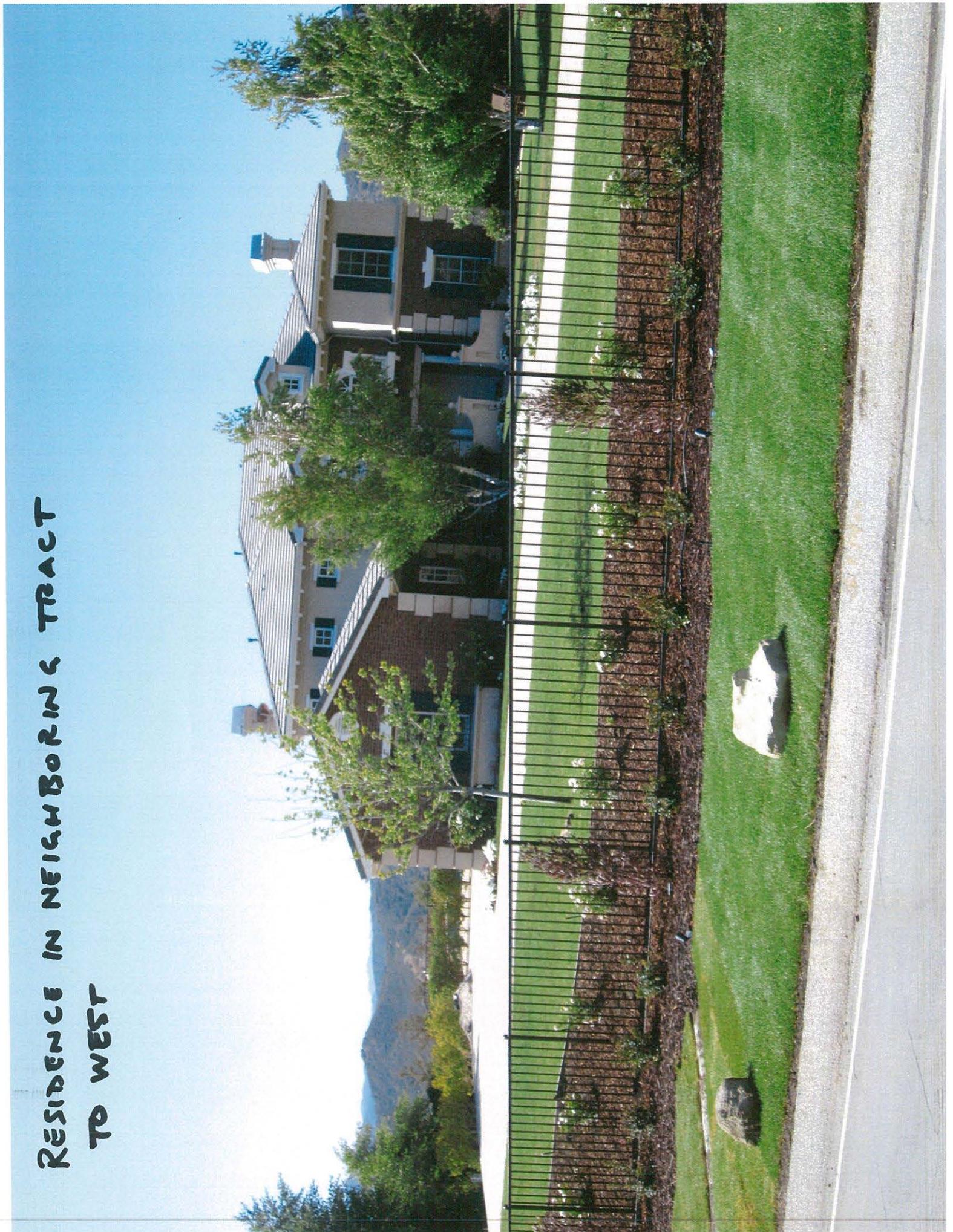
FOR INFORMATION
CALL (213) 974-6462



VIEW EAST FROM LOT 20

08 104 M 097 P 12A3 W011

RESIDENCE IN NEIGHBORING TRACT
TO WEST



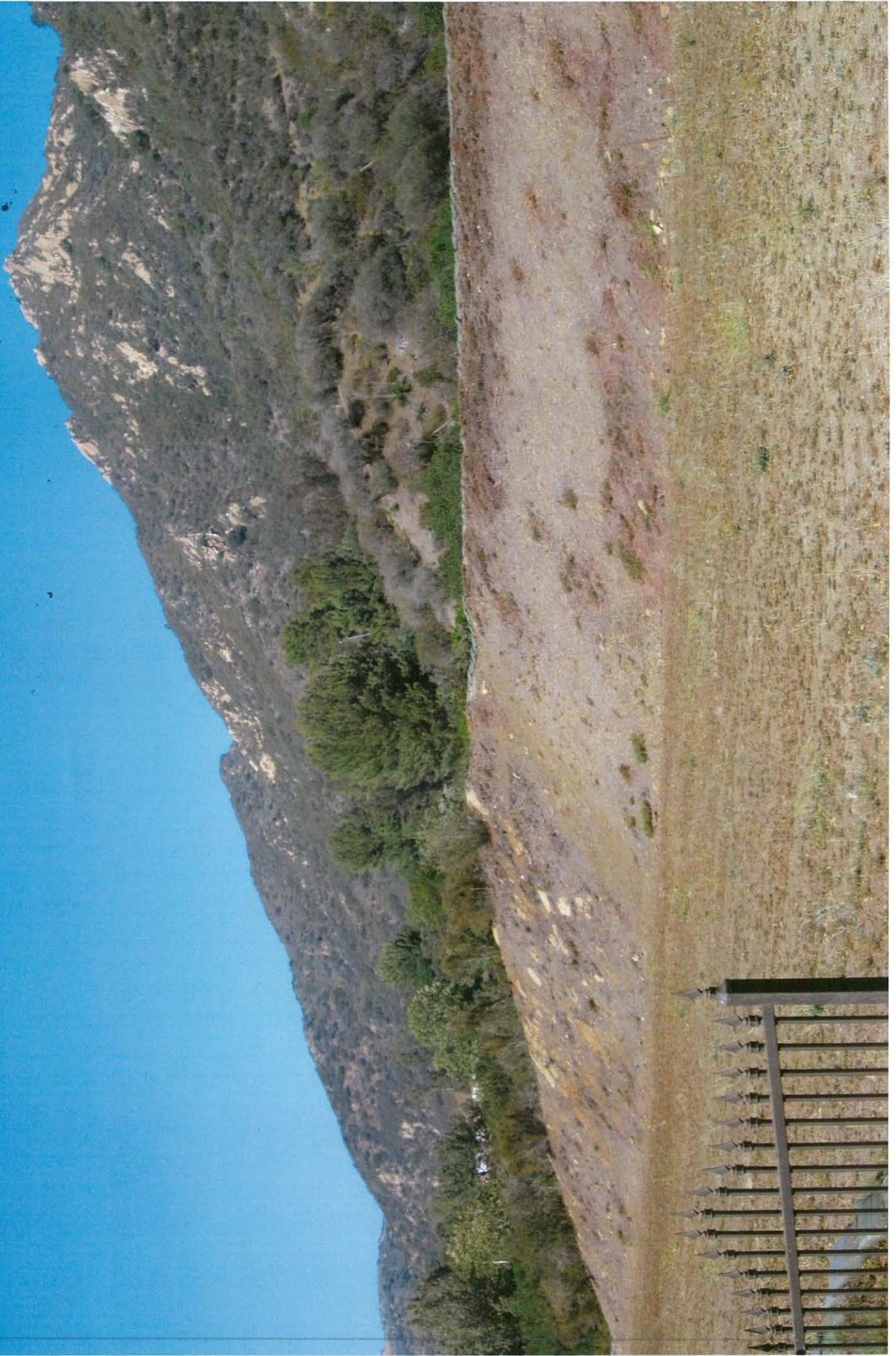
19 MEZ

73A577 26190813M 11 0349071239



LOT 5 WITH EXISTING HOME

LOOKING N.E. AT SADDLE PEAK
FROM ENTRY TO LOT 5

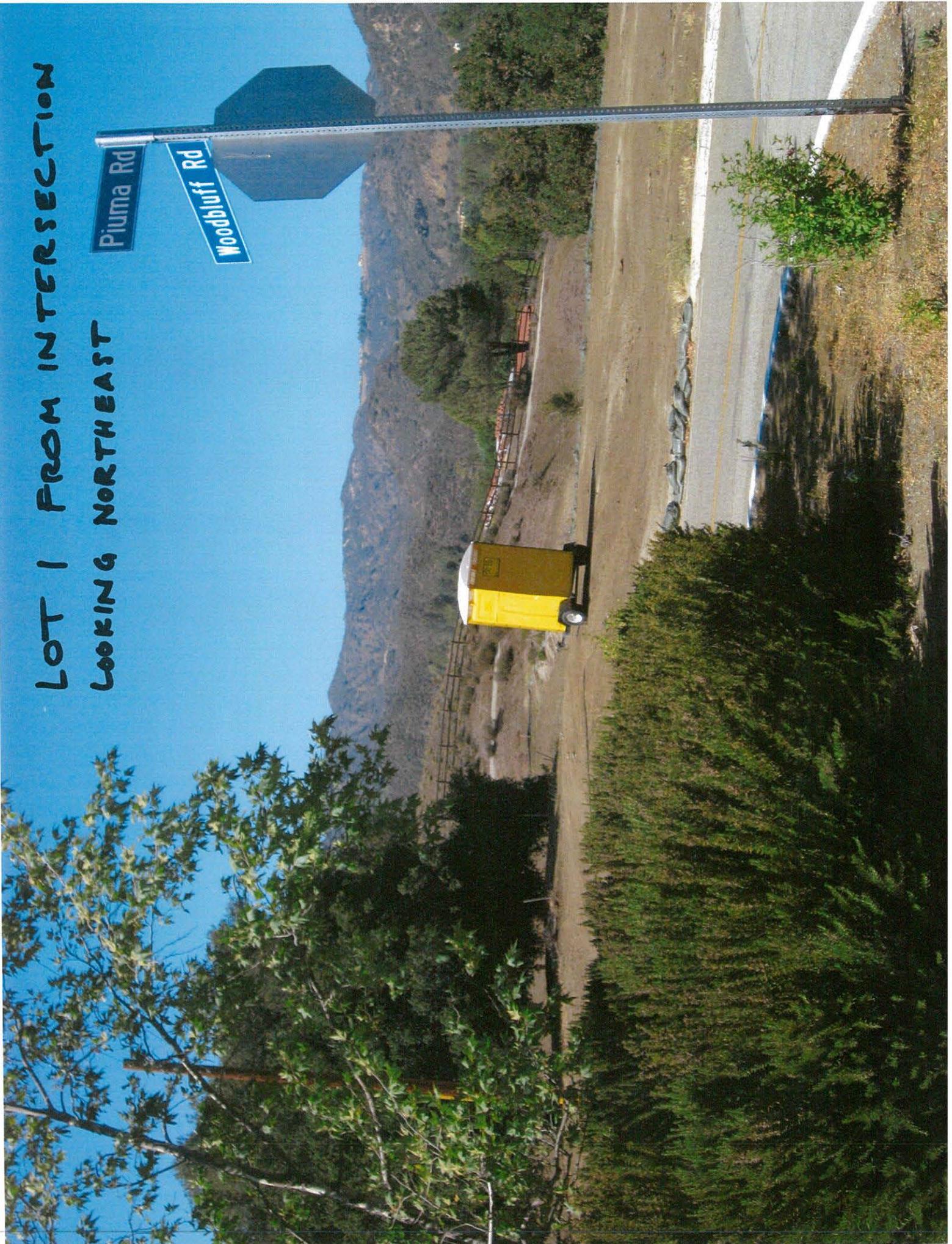


THE UNIVERSITY OF CHICAGO
LIBRARY

LOT 1 FROM INTERSECTION
LOOKING NORTHEAST

Piima Rd

Woodbluff Rd



VIEW TO WEST FROM LOT 6



ALIEN - LO MEZL - 450W FOR C

ZONE A - SETBACK ZONE

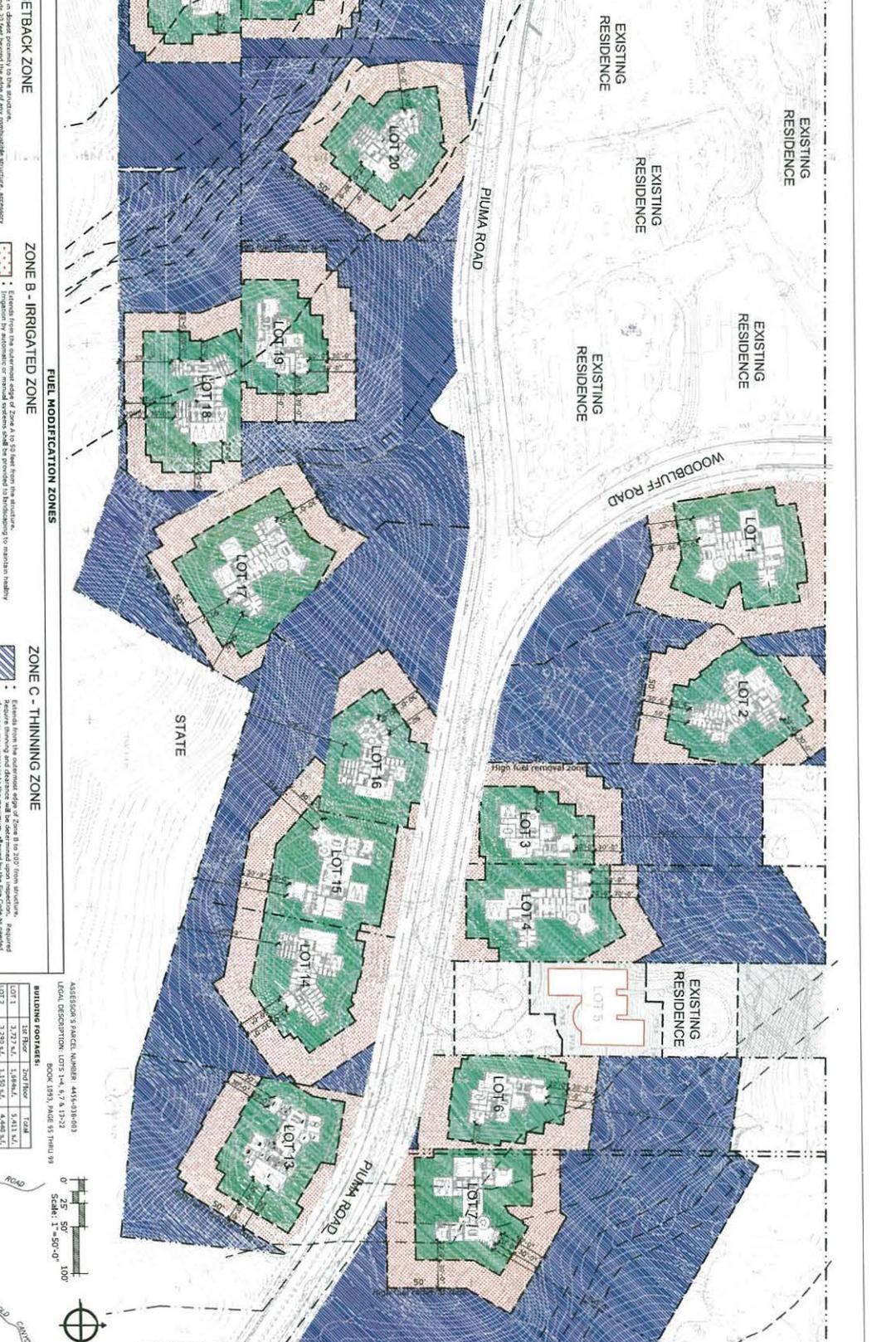
Zone A shows proximity to the structure. Zone A shall include, but not be limited to, the following: setbacks, easements, utility easements, and other areas that are not owned or controlled by the owner. The setback zone shall be a minimum of 5 feet from the structure. The setback zone shall be a minimum of 5 feet from the structure. The setback zone shall be a minimum of 5 feet from the structure.

ZONE B - IRRIGATED ZONE

Zone B shall include, but not be limited to, the following: lawns, ground cover, and other areas that are irrigated. The irrigated zone shall be a minimum of 5 feet from the structure. The irrigated zone shall be a minimum of 5 feet from the structure. The irrigated zone shall be a minimum of 5 feet from the structure.

ZONE C - THINNING ZONE

Zone C shall include, but not be limited to, the following: areas that require thinning of trees. The thinning zone shall be a minimum of 5 feet from the structure. The thinning zone shall be a minimum of 5 feet from the structure. The thinning zone shall be a minimum of 5 feet from the structure.



ASSESSOR'S PARCEL NUMBER: 4456-038-003
 LOT DESCRIPTION: LOTS 1-4, 6, 7, 9, 13-22
 BOOK: 10817, PAGE: 65 (TRND 99)
 DRAWING: 1-250-01

LOT	LOT AREA (S.F.)	LOT AREA (S.F.)	TOTAL
LOT 1	3,172 S.F.	1,151 S.F.	4,323 S.F.
LOT 2	2,805 S.F.	1,519 S.F.	4,324 S.F.
LOT 3	3,174 S.F.	1,519 S.F.	4,693 S.F.
LOT 4	2,806 S.F.	1,519 S.F.	4,325 S.F.
LOT 6	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 7	2,805 S.F.	1,519 S.F.	4,324 S.F.
LOT 9	3,174 S.F.	1,519 S.F.	4,693 S.F.
LOT 13	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 14	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 15	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 16	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 17	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 18	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 19	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 21	3,172 S.F.	1,519 S.F.	4,692 S.F.
LOT 22	3,172 S.F.	1,519 S.F.	4,692 S.F.

TRACT MAP 38931
FUEL MODIFICATION PLAN
 FOR
 ASSESSOR'S PARCEL NO. 4456-038-001

SCALE: AS NOTED DATE: 01/18/2013

LANDSCAPE ARCHITECT:
 PREPARED BY OR UNDER THE DIRECTION OF:

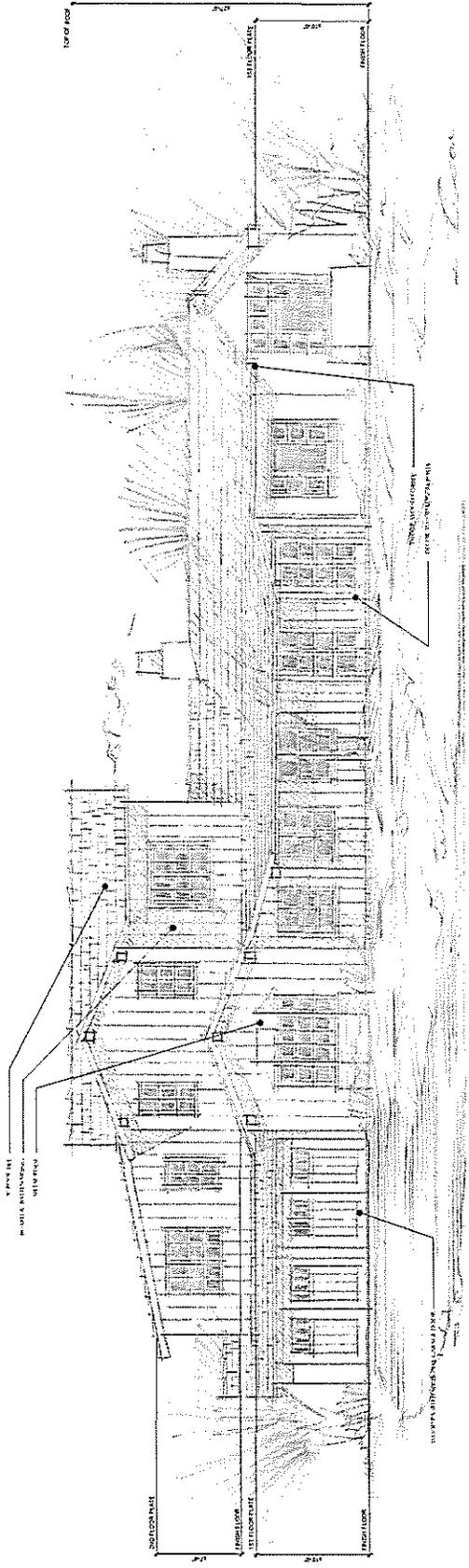
MICHAEL T. INLAY
 PE No.: 1494

DATE: 06/31/2014

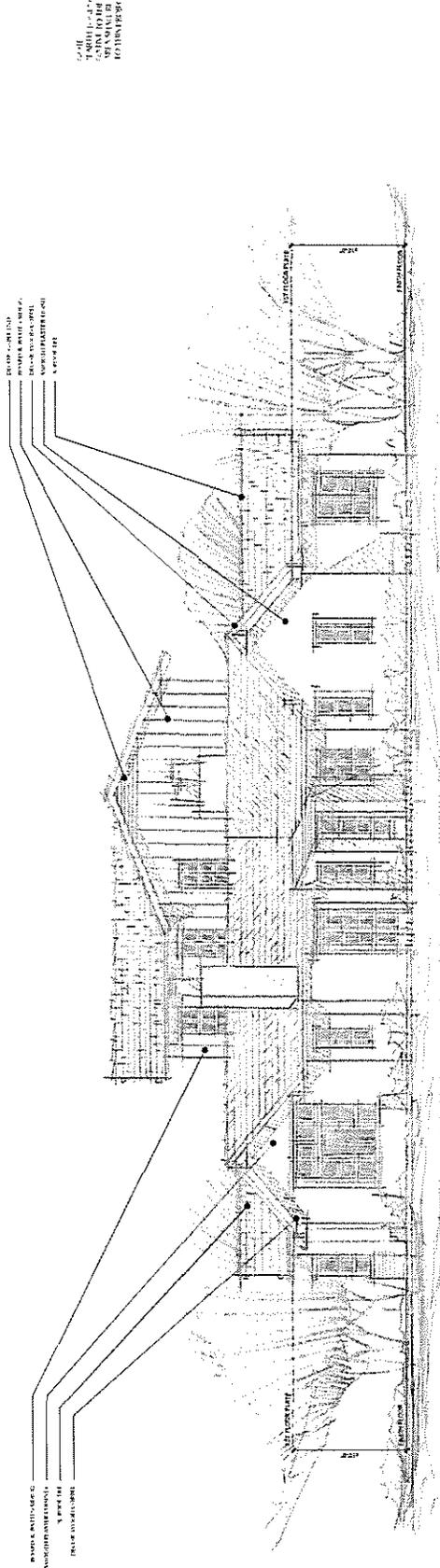
REVISION BLOCK

REV#	APPR	DATE	REVISION DESCRIPTION	ENGINEER	DATE

LAND CONCERN
 LANDSCAPE ARCHITECTURE
 1750 East Ocean Avenue, Santa Ana, CA 92705
 949.250.4822, F. 949.752.2469



FRONT ELEVATION



RIGHT ELEVATION

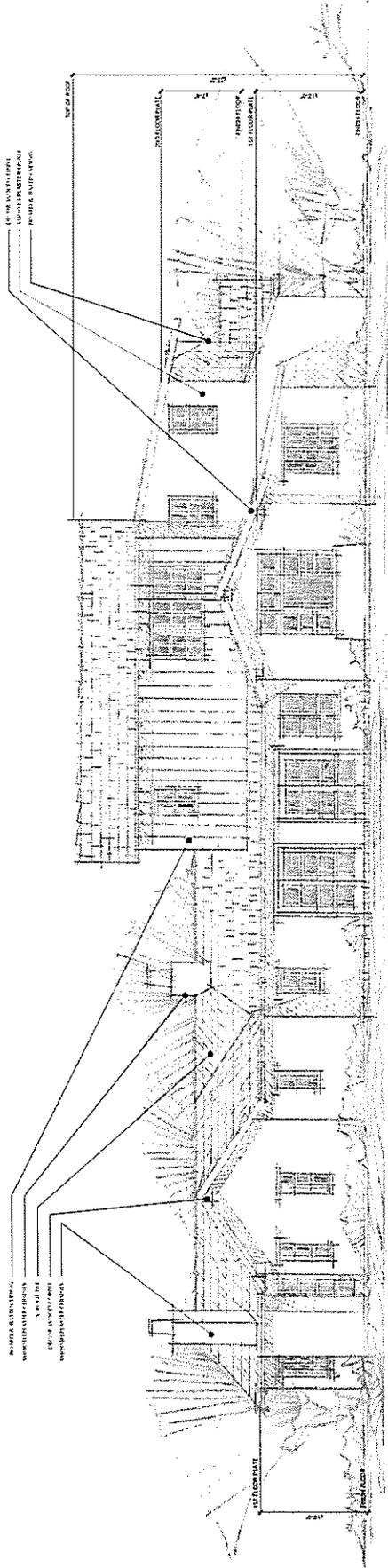
LOT 2 - PLAN 2 A



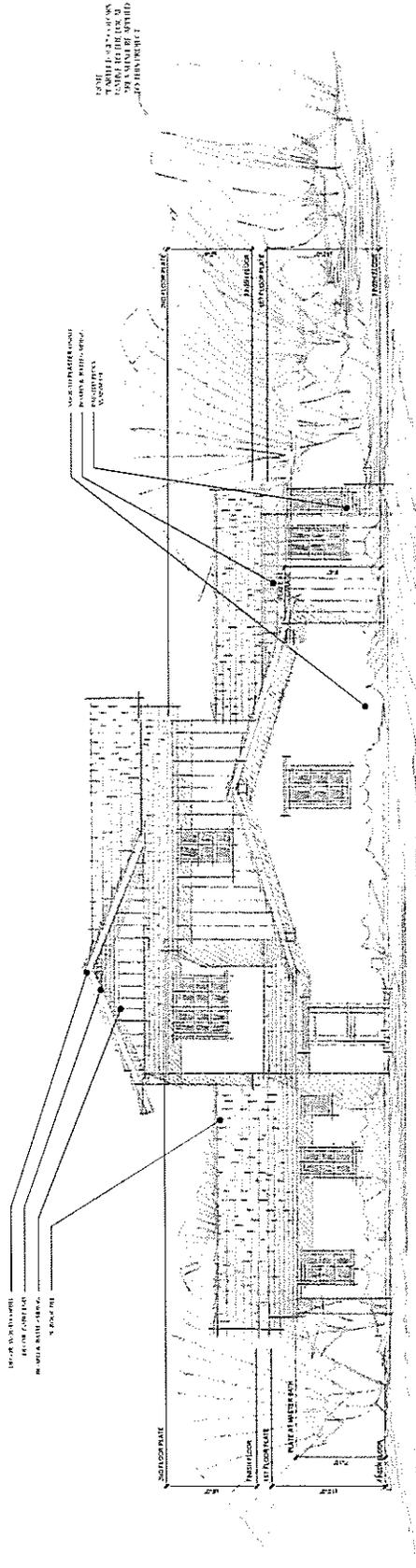
EXTERIOR ELEVATIONS

MONTE NIDO
MALIBU, CALIFORNIA

VINTAGE COMMUNITIES
CALIFORNIA PACIFIC HOMES
05.06.12
2A-1.0

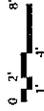


REAR ELEVATION



LEFT ELEVATION

LOT 2 - PLAN 2A
EXTERIOR ELEVATIONS

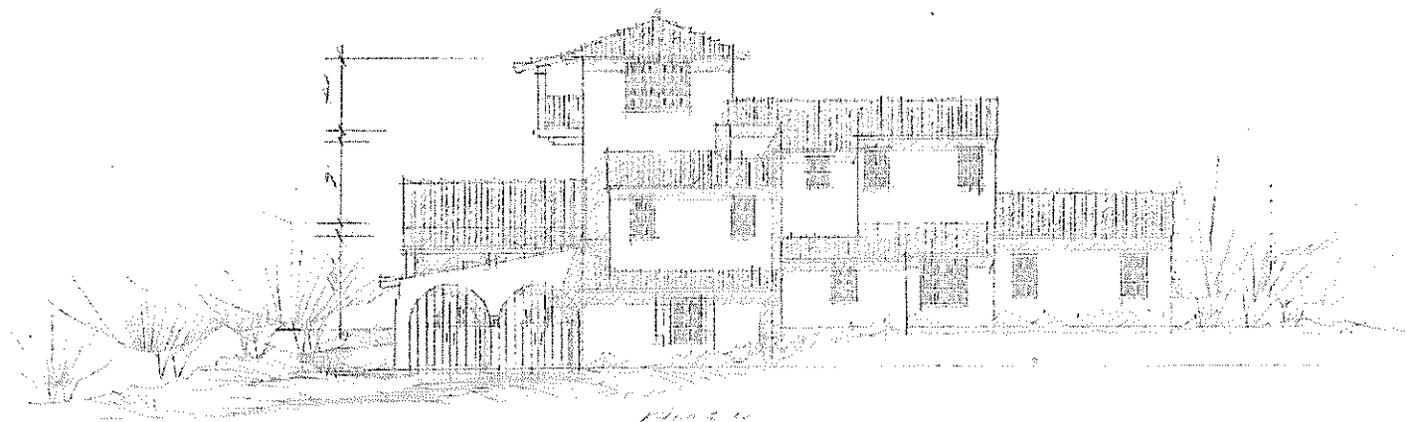


MONTE NIDO
MALIBU, CALIFORNIA

VINTAGE COMMUNITIES
CALIFORNIA PACIFIC HOMES
09.06.12
2A-1.1



FRONT ELEVATION
PLAN 4D-LOT 17



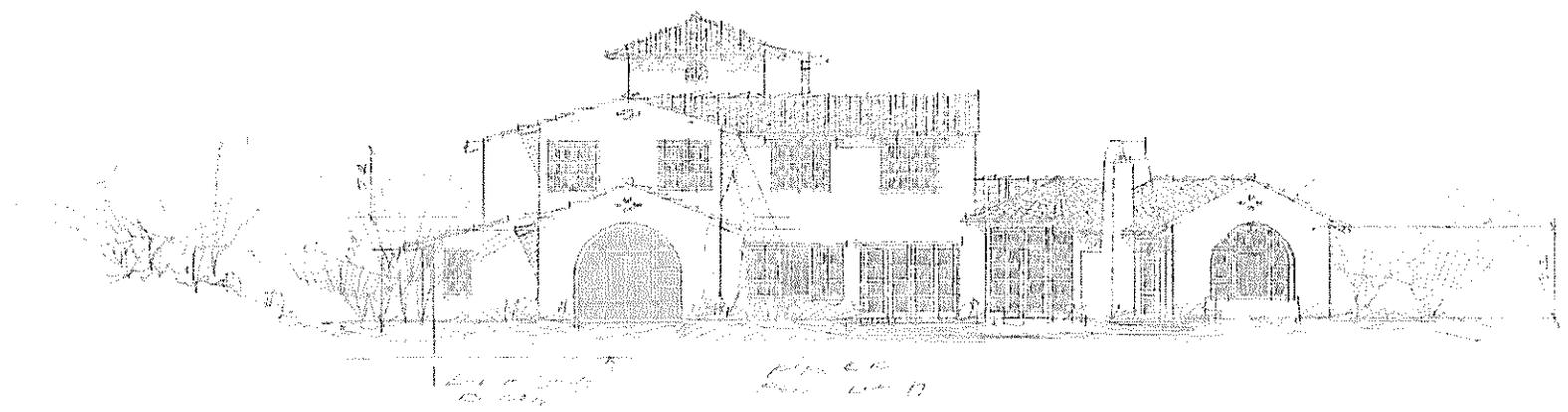
RIGHT ELEVATION
PLAN 4D-LOT 17



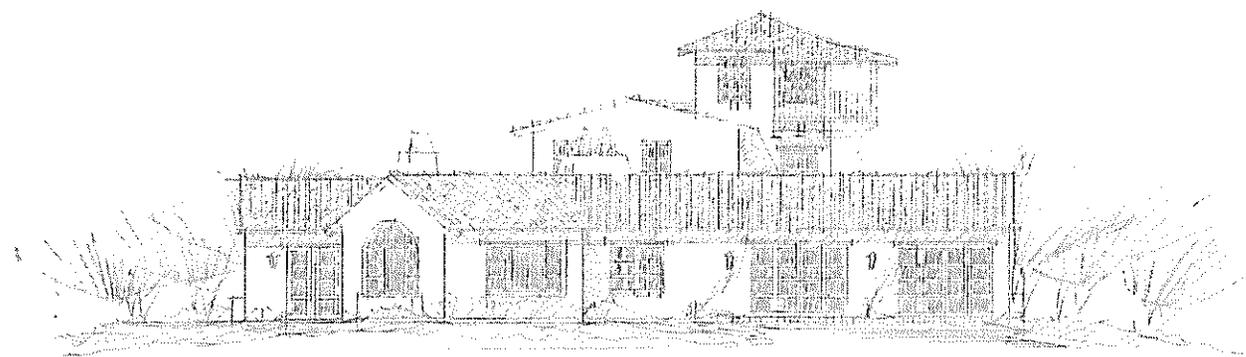
MONTE NIDO
MALIBU, CALIFORNIA

VINTAGE COMMUNITIES
CALIFORNIA PACIFIC HOMES

08.17.12

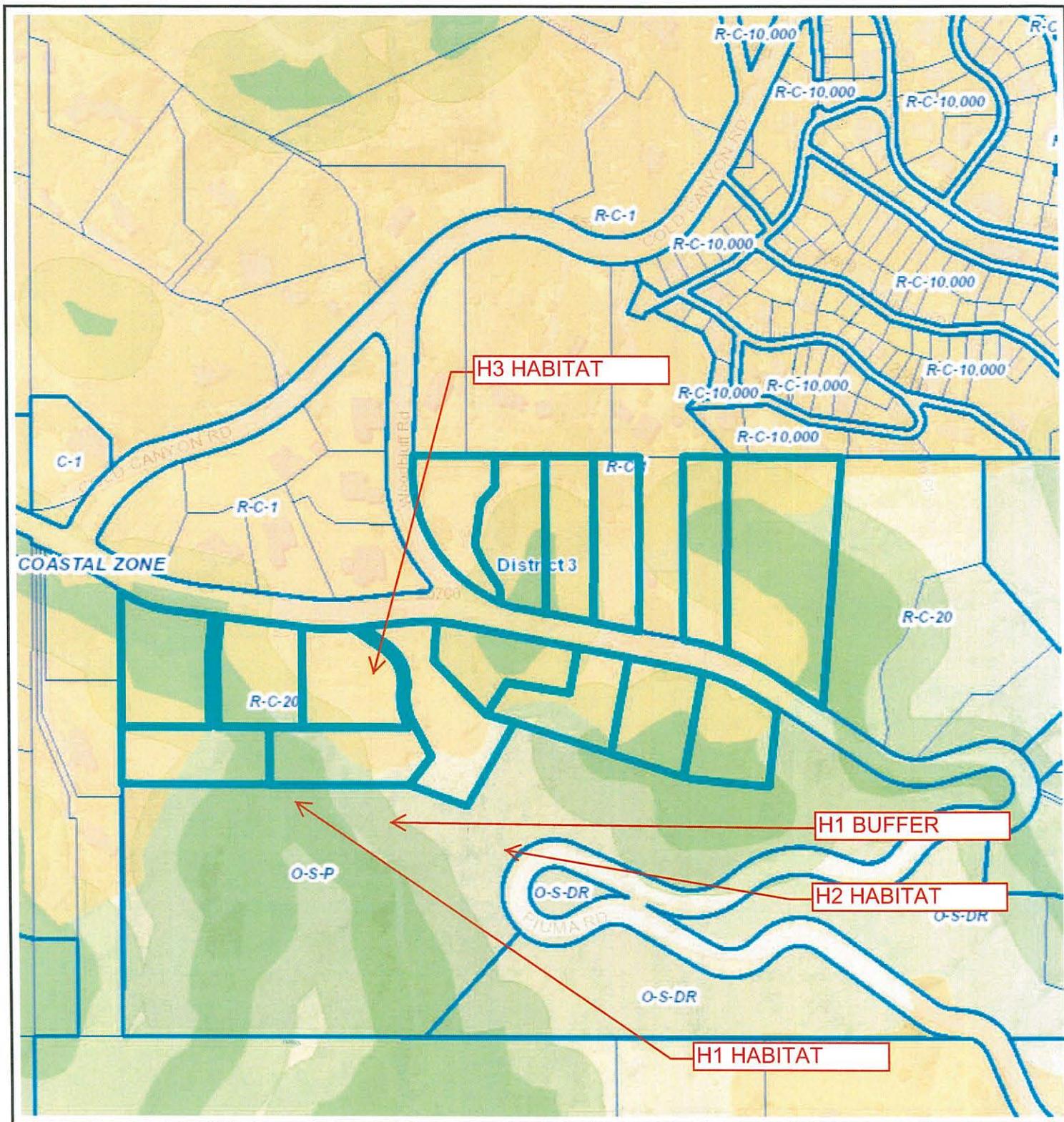


REAR ELEVATION
PLAN 4D-LOT 17



LEFT ELEVATION
PLAN 4D-LOT 17



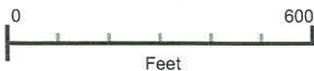


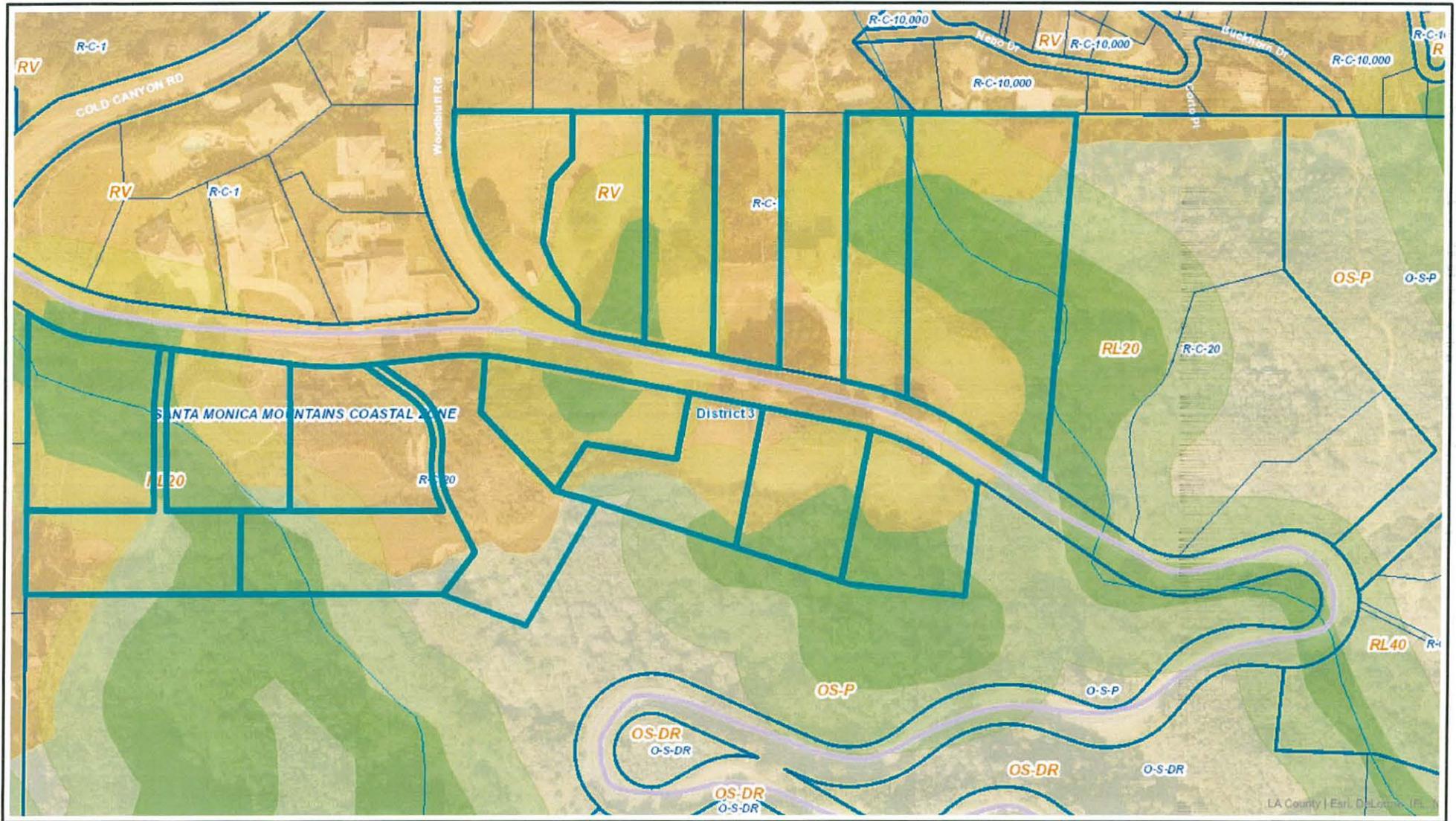
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LCP Bio Resource Map of Monte Nido Tract

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Bio Resource Area of Monte Nido Tract

Printed: Mar 23, 2015



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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:	<input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> X	Consistent	after	Modifications
	<input type="checkbox"/> 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 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
 Inconsistent No decision

Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014
Staff Recommendation: Consistent 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 Pioma 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

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

Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014

ERB Evaluation: Consistent Consistent after Modifications
 Inconsistent No decision

Malibu Institute, TR071735-(3), ERB Meeting Date: 24 February 2014

Staff Recommendation: Consistent 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

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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, 4,407 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

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.
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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.

