

**Project No. R2013-01846**

**Case: RCUP 201300093; ROAK 201300019; Address: 540 Thrift Road, Malibu**

**Resource: Zuma Canyon SEA Buffer (3B)**

Previous SEATAC Meeting: 9 September 2013

Responses to SEATAC Comments:

1. Oak woodland is an important resource in this area and is vulnerable to fragmentation and cumulative impacts arising from multiple small projects, such as the one proposed and adjacent residences.

This statement has been amended to the Revised Supplement Memo at the end of the Special-Status Resources discussion (page 3).

2. Off-site mitigation must be approved and committed to prior to the issuance of a grading permit and must be sited within the Zuma Canyon SEA or Buffer.

This statement has been amended to the Revised Supplement Memo in the oak resource mitigation measure (page 10-11).

3. Mitigation measures need to be strengthened:

- a. include a pre-construction survey for California legless lizard;

Although the Southern California legless lizard, *Anniella stebbinsii*, is not recorded in the CNDDDB for the Santa Monica Mountains, a mitigation measure to survey for Southern California legless lizard prior to oak leaf litter disturbance has been added to the Revised Supplemental Memo (page 10).

- b. include mitigation to address potential impacts to encroached trees;

The mitigation measure for impacts to oak resources has been amended to require additional mitigation at a 2:1 replacement ratio for any encroached oak tree that dies during the initial five years after commencement of construction in the Revised Supplemental Memo (page 11).

- c. include the planting of associated species in addition to oak trees in any oak woodland creation/restoration measures;

The planting of oak woodland understory species has been added to the oak resources mitigation measure in the Revised Supplemental Memo (page 10).

- d. identify the off-site mitigation site, and ensure that establishment of oak woodland will not adversely affect other sensitive habitats;

The applicant has contacted the Mountains Restoration Trust (MRT), a California public benefit non-profit corporation and recognized as a 501(c)(3) organization by the IRS and a non-profit land trust dedicated to preserving natural land in the Santa Monica Mountains

through restoration, education and land acquisition, which has agreed to accept the planting of 20 or more coast live oak trees in one of their restoration programs. The MRT has an on-going oak tree planting program with the Malibu Creek State Park for restoration of woodland habitats in the State park. The MRT also owns the La Sierra Canyon Preserve (approximately 40 acres), located about 0.6 miles north of the project site and within the Malibu Creek watershed. The property contains coast live oak woodland habitat and can accepted the oak trees required as mitigation for project approval.

- e. consult the Draft Los Angeles County Oak Woodlands Conservation Management Plan Guide for guidelines on impact analysis and development of mitigation measures.

The Draft Los Angeles County Oak Woodlands Conservation Management Plan Guide was reviewed and referenced (Page 1). Additional comments reflecting information within the Guide are amended in the Project Impacts discussion (page 8).

4. Revise the Oak Tree Report as follows: **Richard to Address**

- a. remove recommendation #3, on page 6;

A revised Oak Tree Report has removed this previous recommendation.

- b. remove the "Oak Tree Mitigation Planting Area" from the oak tree exhibit if on-site mitigation is no longer a part of the proposed project;

This area has been retained on the oak tree exhibit because the project applicant now proposes to include up to eight replacement oak trees in the southern portion of the property.

- c. provide a clearer indication of proposed encroachments and removals on the oak tree exhibit.

The oak tree exhibit map has been revised to distinguish the proposed encroachments and removals.

5. Reduce the number of proposed removals by redesigning the residence and retaining on-site trees in areas outside of the building footprint of the house.

All trees to be retained on the project site will be outside of the building footprint. The applicant and project engineer have not redesigned the residence or reduced the number of oak tree removals. The residence cannot be redesigned and be in compliance with the County and State building codes for the following reasons. The parcel is currently situated in a shallow bowl. The entire parcel outside of the southern slope must be graded to a depth of five feet and the soil recompacted beneath the building pad to comply with grading requirements mandated by Building and Safety statutes. In addition to the recompaction of the resident soil, an additional four to five feet of fill is transitionally required for project drainage to allow natural rainfall runoff to flow toward Thrift Road to the north. The number of oak tree removals cannot be lessened as a consequence of the required soil removal and recompaction. Even one or more oak tree at

the back of the proposed residence cannot be saved because the 2010 California Building Code requires 15 feet of clearance from the back of the house to the toe of hillside, where the retaining wall is located. California Building Code 1808.7.1 Building clearance from ascending slopes requires that buildings below slopes to be set a sufficient distance from the slope to provide protection from slope drainage, erosion and shallow failures. The foundation clearance from the toe of the slope must be a minimum of 15 feet.

A two-foot concrete cubic sediment control box will be located in the northeast corner of the property where a drain line from one side of the residence slows the flow, helps deposit the sediments, and clean flow with lower levels of sedimentation leaves the box from the opposite side. The need for this drainage control device impacts at least one oak tree that cannot be saved.

In regard to the residence size, the community homeowners association (HOA) requires that each house be of similar size and style. The proposed square footage is nearly identical to the majority of homes in the community as well as in the Spanish style.

6. Ensure consistency between all plans and exhibits and submit materials in a timely manner.

Updated plans have been prepared and provided to Regional Planning staff.