

RPC MEETING DATE
May 20, 2009

AGENDA ITEM NO.
8 a, b, c, d

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: 94-165-(3)

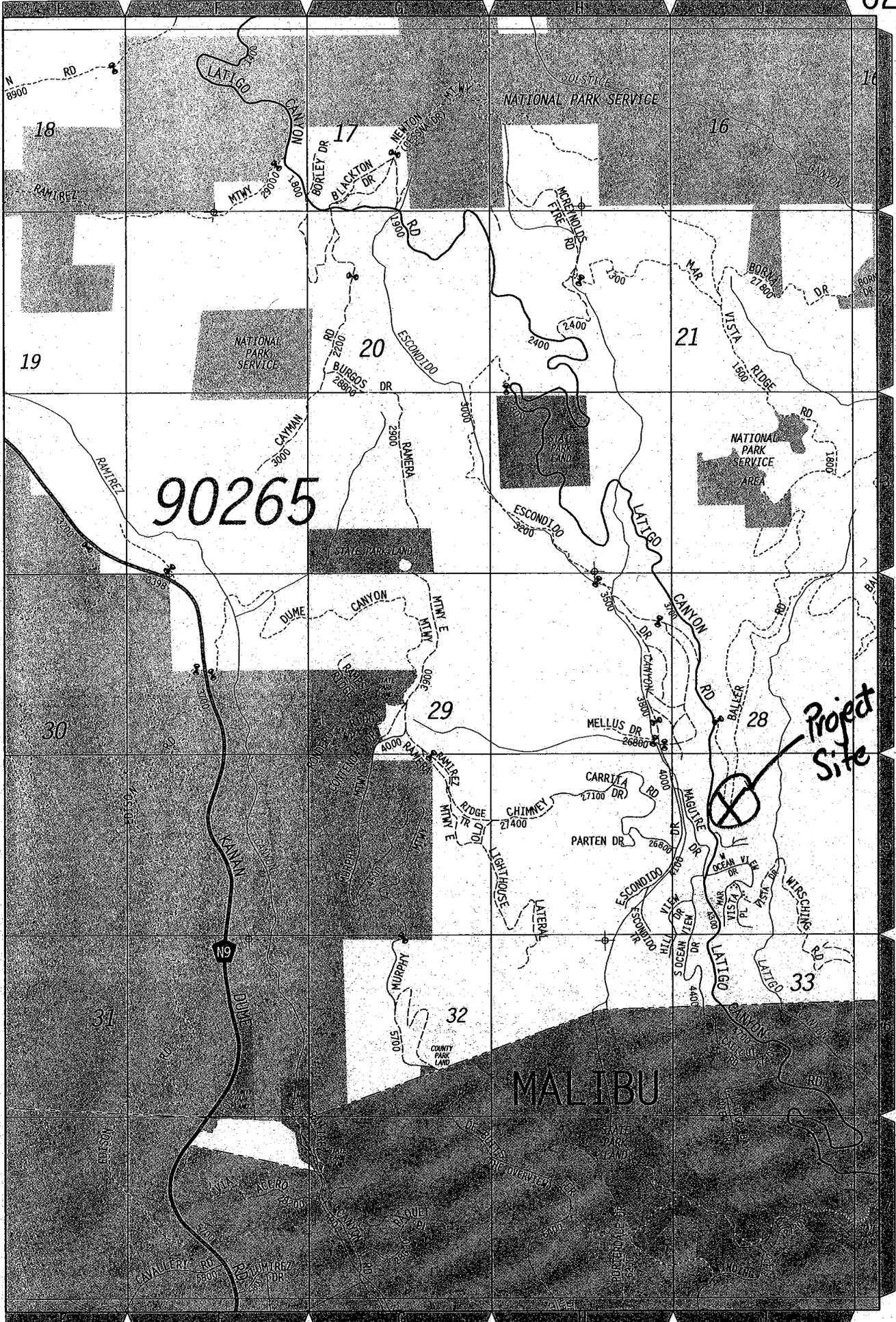
CASE NO. Vesting Tentative Tract Map No. 34289
Conditional Use Permit Case No. 94-165-(3)
Oak Tree Permit Case No. 2007-00011-(3)

CONTACT PERSON: Mr. Jodie Sackett

- FACTUAL
- GIS-NET MAP
- THOMAS BROS. GUIDE PAGE
- PHOTOS
- STAFF REPORT
- DRAFT FINDINGS
- DRAFT CONDITIONS
- ENVIRONMENTAL DOCUMENTS (Mitigated Negative Declaration)
- BURDEN OF PROOF STATEMENTS (CUP, Oak Tree Permit)
- OAK REPLACEMENT PLANTING PLAN
- CORRESPONDENCE (environmental, ERB minutes)
- OPEN SPACE EXHIBIT
- OTHER (offsite access exhibit, supplemental project history)
- VESTING TENTATIVE TRACT MAP AND EXHIBIT "A"
- 500' RADIUS LAND USE RADIUS MAP

Reviewed By: 

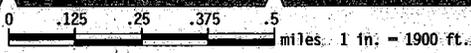
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90265

Project Site

SEE 628 MAP





Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6433

PROJECT NO. 94-165-(3)
VESTING TRACT MAP NO. 34289
CUP CASE NO. 94-165-(3)
OAK TREE CASE NO. 2007-00011-(3)

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM 8 a, b, c, d	
PUBLIC HEARING DATE May 20, 2009	

APPLICANT Chilumula R. Reddy	OWNER Chilumula R. Reddy	REPRESENTATIVE Schmitz and Associates, Inc.
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REQUEST
Vesting Tentative Tract Map: To create six single-family lots, one open space lot and one private street lot on 34.43 gross acres.
Conditional Use Permit: To ensure compliance with non-urban hillside management performance review criteria.
Oak Tree Permit: To remove five Oak trees (no heritage Oaks).

LOCATION/ADDRESS Latigo Canyon Road, approximately 450 feet north of W. Ocean View Drive	ZONED DISTRICT The Malibu
ACCESS Latigo Canyon Road	COMMUNITY Malibu Coastal Zone
SIZE 34.43 gross acres (33.6 net ac.)	EXISTING ZONING A-1-1 (Light Agricultural - One Acre Minimum Required Lot Area)
EXISTING LAND USE Vacant (with graded pads)	SHAPE Rectangular
	TOPOGRAPHY Flat to steeply-sloping

SURROUNDING LAND USES & ZONING

North : single-family residences, vacant parcels/A-1-1, R-R-1 (Resort and Recreation – One Acre Minimum Required Lot Area)	East : vacant parcels/A-1-1
South : single-family residences, vacant parcels/A-1-1	West : single-family residences, vacant parcels/A-1-1, R-R-1

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Malibu Land Use Plan	4 (Rural Land II; 1DU/5ac), 5 (Rural Land III; 1DU/2ac), M2 (Mountain Land; 1DU/20ac)	6 DU	Yes

ENVIRONMENTAL STATUS (CASE NO. 2008-00132)
Mitigated Negative Declaration – The proposed project qualifies for a Mitigated Negative Declaration inasmuch as the project will have less than/no significant impacts on the environment with project mitigation for noise, air quality, biota, drainage and grading, open space and parks, archaeological and cultural resources, traffic, library services, emergency services, and mitigation compliance.

DESCRIPTION OF SITE PLAN
 The vesting tentative tract map and Exhibit "A", dated August 6, 2008, depict six single-family lots clustered in the southwesterly corner of the subject property near Latigo Canyon Road, a 60-foot wide public street with 28 feet of existing paved access width. The single-family lots range in size from one to 2.5 gross acres. Three of the six building pads (located on Lot Nos. 1, 2 and 3) are existing and were graded under previous CUP No. 79-027. The required open space, located to the north and east, which also includes Latigo Canyon Creek, an Environmentally Sensitive Habitat Area (ESHA), is proposed to be dedicated in a separate fee lot approximately 24.33 net acres in size, or 72.1 percent of the net project area. The proposed residential development will be clustered at least 300 feet away from the ESHA boundary line. Access to Lot Nos. 1 through 5 is proposed from the private street (Lot No. 8) which has 28 to 34 feet of paved width. Lot No. 6 will gain access via a 20-foot wide private driveway and fire lane from Lot No. 8. There are five Oak trees located on the project site proposed to be removed. The site is currently vacant.

KEY ISSUES

- Please see reverse side.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE (S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor

COMMITTEE RECOMMENDATION (Subject to revision based on public hearing)

APPROVAL

DENIAL

No improvements _____ 20 Acre Lots _____ 10 Acre Lots _____ 5 Acre Lots _____ Sect 191.2

Street improvements X Paving _____ Curbs and Gutters _____ Street Lights

_____ Street Trees _____ Inverted Shoulder _____ Sidewalks _____ Off Site Paving _____ ft.

Water Mains and Hydrants

Drainage Facilities/SUSMP

Sewer

Septic Tanks

Other

Park Dedication "In-Lieu Fee" Trails Dedication

KEY ISSUES (CONTINUED)

REGIONAL PLANNING

Non-Urban Hillside Management: The applicant proposes six dwelling units, which is the maximum allowable density under the Land Use Plan. A minimum of 70 percent (or 23.52 acres) of net project area is required to be dedicated as open space per the CUP for non-urban hillside management. A total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in separate fee-dedicated open space Lot No. 7.

Offsite Access: Currently, the subject property is used as a means of offsite access for property owners to the north and south. Staff supports the continuation of offsite access for one resident to the south, but does not support extra onsite access improvements along an existing utility easement as a means of facilitating access to several residences located to the north.

Oak Tree Removals: The applicant proposes the removal of five Oak trees from the subject property with a proposed Oak Tree Permit. Four of the Oak trees to be removed are clustered at the proposed entrance to the project site, and one Oak tree is located within a proposed building pad area. The Oak trees will have to be removed when grading and/or construction activity occurs. None of the proposed Oaks to be removed are heritage Oaks.

Environmentally Sensitive Habitat Area ("ESHA"): The subject property contains an ESHA (Latigo Canyon Creek) traversing from north to south through the easterly portion of the subject property and depicted within open space Lot No. 7. The six proposed building sites are located at least 300 feet away from the ESHA boundary.

PROJECT NO. 94-165-(3)
VESTING TENTATIVE TRACT MAP NO. 34289-(3)
CONDITIONAL USE PERMIT CASE NO. 94-165-(3)
OAK TREE PERMIT CASE NO. 2007-00011-(3)

STAFF ANALYSIS

MAY 20, 2009
REGIONAL PLANNING COMMISSION PUBLIC HEARING

PROJECT OVERVIEW

Vesting Tentative Tract Map No. 34289 is a proposed subdivision of land to create six single-family lots, one open space lot and one private street lot on 34.43 gross acres (33.6 net acres) in the Malibu Coastal Zone and the Third Supervisorial District of Los Angeles County. Conditional Use Permit ("CUP") Case No. 94-165-(3) is a request to ensure compliance with non-urban hillside management performance review criteria. Oak Tree Permit ("OTP") Case No. 2007-00011-(3) is a request for the removal of five Oak trees (none heritage) located on the subject property.

Project issues include:

- **Non-Urban Hillside Management:** The applicant proposes six dwelling units, which is the maximum allowable density under the Malibu Land Use Plan ("LUP"). A minimum of 70 percent (or 23.52 acres) of net project area is required to be dedicated as open space per the CUP for Hillside Management. A total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in separate fee-dedicated open space Lot No. 7.
- **Offsite Access:** Currently, the subject property is used as a means of offsite access for property owners to the north and south. Staff supports the continuation of offsite access for one resident to the south, but does not support extra onsite access improvements along an existing utility easement as a means of facilitating access to several residences located to the north.
- **Oak Tree Removals:** The applicant proposes the removal of five Oak trees from the subject property with a proposed OTP. Four of the Oak trees to be removed are clustered at the proposed entrance to the project site, and one Oak tree is located within a proposed building pad area. The Oak trees will have to be removed when grading and/or construction activity occurs. None of the proposed Oaks to be removed are heritage Oaks.
- **Environmental Determination:** The proposed project qualifies for a Mitigated Negative Declaration inasmuch as the project will not have a significant effect on the environment with mitigation measures for noise, air quality, biota, drainage and grading, open space and parks, archaeological and cultural resources, traffic, library services, emergency services, and mitigation compliance.

- Environmentally Sensitive Habitat Area ("ESHA"): The subject property contains an ESHA (Latigo Canyon Creek) traversing from north to south through the easterly portion of the subject property. The six proposed building sites are located at least 300 feet away from the ESHA boundary.

DESCRIPTION OF THE SUBJECT PROPERTY

Location: The project site is located off of Latigo Canyon Road, approximately 450 feet north of W. Ocean View Drive, in the Malibu Coastal Zone and The Malibu Zoned District of Los Angeles County.

Physical Features: The vacant subject property is approximately 34.43 gross acres (33.6 net acres) in size, rectangular in shape with moderate to steeply-sloping terrain. Site elevations range from 765 feet in the southeast corner to 1,235 feet in the northwest corner of the property. Latigo Canyon Road traverses the entire westerly subject property boundary in a north-south direction. Latigo Canyon Creek, an ESHA, is located in the easterly portion of the subject property and traverses through the entire length of the property in a north-south direction. Natural vegetation includes scattered individual Oak trees, chaparral, Coastal Sage Scrub, and Willow Scrub. Baller Road, an unimproved dirt road, exists in the northwesterly portion of the subject property. There are three existing graded building pads located in the southwesterly corner of the project site.

Access: The existing parcel has approximately 1,390 feet of frontage along Latigo Canyon Road, a 60-foot wide public street with 28 feet of existing paved access width. Baller Road, an unpaved public utility access easement approximately 10 to 15 feet wide and located on the subject property, provides offsite access through the subject property to several residences located to the north.

Services: Domestic water service to the project site will be provided by the Las Virgenes Municipal Water District. Sewer services will be provided via private septic systems on each proposed single-family parcel.

ENTITLEMENTS REQUESTED

Vesting Tentative Parcel Map No. 34289: The applicant requests approval of a subdivision of land to create six single-family lots, one open space lot and one private street lot on 34.43 gross acres (33.6 net acres).

Conditional Use Permit Case No. 94-165-(3): The applicant requests approval of a CUP to ensure compliance with non-urban hillside management design review criteria.

Oak Tree Permit Case No. 2007-00011-(3): The applicant requests the removal of five Oak trees (none heritage) located on the subject property.

EXISTING ZONING

Subject Property: The 34.43 gross acre subject property consists entirely of A-1-1 (Light Agricultural - One Acre Minimum Required Gross Lot Area) zoning.

Surrounding Area: Surrounding zoning is as follows:

- North: A-1-1, R-R-1 (Resort and Recreation – One Acre Minimum Required Lot Area)
- East: A-1-1
- South: A-1-1
- West: A-1-1, R-R-1

The proposed development complies with the standards of the A-1-1 zone, including those standards related to a minimum required gross lot area of one acre for each single-family parcel. Single-family residences are permitted in the A-1 zone per Section 22.24.070 of the Los Angeles County Code ("County Code") (Zoning Ordinance).

EXISTING LAND USES

Subject Property: The subject property consists of one vacant parcel with three graded building pads and a utility access easement (Baller Road).

Surrounding Area: Surrounding land uses are as follows:

- North: Single-family residences, vacant parcels
- East: Vacant parcels
- South: Single-family residences, vacant parcels
- West: Single-family residences, vacant parcels

PREVIOUS CASES/ZONING HISTORY

Previous Cases:

- Revised Tract Map No. 34289-2, a subdivision for nine single-family lots, was approved by the Regional Planning Commission ("Commission") on July 10, 1991. Associated CUP No. 79-027 for non-urban hillside management performance review was also re-approved and granted on July 10, 1991. The revised tract map expired on July 10, 1993, and the subdivision never recorded.
- Certificate of Compliance No. 91-0075 recorded on April 25, 1991.
- Tract Map No. 34289, a subdivision for 12 single-family lots, was approved by the Commission on March 6, 1980. Associated CUP No. 79-027 for non-urban hillside management performance review was also approved on March 6, 1980. The tract map expired on September 6, 1989, and the subdivision never recorded.

Zoning History: The existing A-1-1 zoning was created by Ordinance No. 10754 effective September 25, 1973.

Project History: The applicant has provided a supplemental project history (attached).

PROJECT DESCRIPTION

Site Design: The vesting tentative tract map and Exhibit "A", dated August 6, 2008, depict six single-family lots clustered in the southwesterly corner of the subject property near Latigo Canyon Road, a 60-foot wide public street with 28 feet of existing paved access width. The single-family lots range in size from one to 2.5 gross acres. Three of the six building pads (Lot Nos. 1, 2, and 3) for the single-family lots are existing and were graded under the previously approved CUP No. 79-027. Lot Nos. 4 and 5 are proposed to utilize "split-level" building pads set into the hillside with retaining walls varying in height from six to 20 feet. Lot No. 6 is located at the top of a hill with a building pad sited in a flat area requiring no retaining walls. The required open space, located to the north and east, which also includes Latigo Canyon Creek, an Environmentally Sensitive Habitat Area (ESHA), is proposed to be dedicated in separate fee Lot No. 7 which is approximately 24.33 net acres in size, or 72.1 percent of the net project area. The proposed single-family uses will be clustered at least 200 feet away from the ESHA boundary line. Access to Lot Nos. 1 through 5 is proposed from the private street lot (Lot No. 8) which has 28 to 34 feet of paved width and ends in a cul-de-sac bulb. Lot No. 6, located approximately 220 feet east of Latigo Canyon Road and 140 feet above the street grade, will gain access via a separate 20-foot wide private driveway and fire lane from the private street lot.

Access: Proposed single-family Lot Nos. 1 through 5 are served by a proposed private cul-de-sac street (Lot No. 8) with 28 to 34 feet of paved width providing direct access to Latigo Canyon Road. Lot No. 6 will gain access via a separate 1,050-foot long private driveway and fire lane with 20 feet of paved width connected to the proposed private street at the terminus of a cul-de-sac.

Grading (Offsite Transport)

The project proposes 19,250 cubic yards of "cut" grading and 1,200 cubic yards of "fill" grading (total 20,450 cubic yards), leaving 18,050 cubic yards of earthwork to be transported offsite. As more than 10,000 cubic yards of earthwork is proposed to be transported offsite, an approved Director's Review for offsite transport, including haul route, is required.

Open Space: A total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in separate fee-dedicated open space Lot No. 7. In addition, grading and improvements to Baller Road are proposed within Lot No. 7.

Oak Trees: There are five Oak trees located on the project site proposed to be removed; four Oak trees are located at the entrance to the proposed subdivision off of Latigo Canyon Road, and one Oak tree is located on Lot No. 6 in the proposed building pad location.

Existing Development: The subject property consists of one vacant parcel with three graded building pads and an unimproved dirt road (utility access easement - Baller Road).

GENERAL PLAN AND AREA PLAN CONSISTENCY

Land Use and Density

The subject property is located within three separate plan categories of the Malibu Land Use Plan ("LUP"), a component of the Los Angeles Countywide General Plan ("General Plan"). Category 4 (Rural Land II - Up to One Dwelling Unit Per Five Acres Average) of the LUP consists of 5.97 gross acres of the subject property. Category 5 (Rural Land III - Up to One Dwelling Unit Per Two Acres Average) consists of 17.02 gross acres of the subject property. Lastly, Category M2 (Mountain Land - Up to One Dwelling Unit Per 20 Acres Average) consists of the remaining 11.4 gross acres of the subject property. These land use categories permit a maximum of six dwelling units on the 34.43 gross acre hillside property.

Hillside Management

As slopes greater than 25 percent exist on the subject property, the applicant submitted a slope density study to determine if a CUP for Hillside Management is required. Submittal of a slope density study is necessary in order to determine the applicability of the Hillside Management Performance Review Procedure of the General Plan (see General Plan, Page Nos. LU-28, LU-29). The applicant's slope density study dated March 6, 2008 revealed that the low density threshold for the subject project is one dwelling unit, and thus, the proposed six single-family lots do exceed the low density threshold. Therefore, according to the General Plan, the project is subject to the Hillside Management Performance Review Procedure of the General Plan, and a CUP for Hillside Management is required. Further, the slope density study revealed a maximum allowable density of six dwelling units. As six single-family lots are proposed, the applicant is requesting approval of the maximum allowable density with the Hillside Management CUP.

The Non-Urban Hillside Management Performance Review Criteria are grouped into four major findings (General Plan, Page LU-A13) that are the same as the "burden of proof" findings required for the Hillside Management CUP. These four findings are listed in the "Conditional Use Permit" section of this report, and staff's review of the project for consistency according to these findings is indicated in the "Staff Evaluation" section of this report.

Open Space

The General Plan requires that at least 70 percent of the net project area (or 23.52 acres) be permanently dedicated as open space and "retained in a natural or open condition" (General Plan, Page LU-A6) for non-urban hillside development. Overall, a total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in separate fee-dedicated open space Lot No. 7. Since the proposed open space exceeds the minimum 70 percent requirement of the General Plan, the proposed development is consistent with the open space requirements of the General Plan.

Density Transfer

When more than one land use category exists within the boundaries of a proposed subdivision, staff must determine whether density within the project site is being transferred between/among the land use categories, and whether or not such a density transfer is consistent with the goals and policies of the General Plan. Density transfer is a policy of the General Plan, and is allowed in order to "preserve natural terrain, minimize grading and

reduce exposure to natural hazards” (see General Plan, Page LU-A6). Density transfer is not allowed to areas of a project site “predominantly in excess of 50 percent natural slope” (Page LU-A6).

Based on the applicant’s slope density analysis, the following maximum densities are allowed within the existing land use categories on the project site:

Rural Land II (Category 4): 0.8 dwelling units
Rural Land III (Category 5): 5.1 dwelling units
Mountain Land (Category M2): 0.6 dwelling units

Based on the proposed location of the building sites for the six new single-family residences, Staff determined that the following densities are proposed within each land use category:

Rural Land II (Category 4): 1 dwelling unit
Rural Land III (Category 5): 5 dwelling units
Mountain Land (Category M2): 0 dwelling units

A density transfer is required when a project’s density exceeds the maximum within one or more land use categories on a project site. The below table describes whether or not the proposed density of the subject project is consistent within each land use category:

LUP Category	Max Per LUP	Proposed	Consistent?
4	0.8 DU	1 DU	No
5	5.1 DU	5 DU	Yes
M2	0.6 DU	0 DU	Yes

As the proposed density of one dwelling unit within the Category 4 land use category exceeds the allowable maximum of 0.8 dwelling units as indicated above, staff has determined that a request for density transfer is required.

In this instance, density is proposed to be transferred from a lower-density category (Category M2) to a higher-density category (Category 4). Specifically, 0.2 dwelling units of density within Category M2 is proposed to be transferred to Category 4, which contains the majority of the proposed building pad site located on Lot No. 4. Category M2 has steeper slopes predominantly in excess of 50 percent, includes a substantial portion of the project’s required open space, and contains an ESHA (Latigo Canyon Creek). Category 4 also contains some steep slopes exceeding 50 percent but has some gently-sloping area located further west of the ESHA near the existing graded building pads. As the density transfer will result in clustering proposed building sites closer together near Latigo Canyon Road, located further away from a sensitive riparian area and steeper slopes, contributing to reducing project grading and diminishing the overall impact on the environment, staff has determined that the transfer of density is consistent with the General Plan.

I. GENERAL PLAN POLICIES

When an Area Plan exists, the General Plan fulfills the role of addressing more broad regional concerns, and this role serves to supplement the Area Plan (see General Plan,

Page Nos. I-4 and I-5). The following General Plan policies apply to the proposed development:

A. Land Use (Non-Urban Development)

The proposed development is located in a planning area classified as Non-Urban. Regarding non-urban development, the Land Use Element of the General Plan states the following:

"Non-urban lands primarily include mountain, foothill, and high desert areas of the County, not currently planned for urban use or scheduled to receive an urban level of service. The intent of this classification is to maintain the character of dispersed non-urban settlements and communities."

"Non-urban residential uses are permitted subject to established density, design and service standards."

(Land Use Element, Land Use Policy Map,
Non-Urban, Page LU-15)

B. Land Use (Hillside Management)

The subject property has hillside slopes exceeding 25 percent, classifying the project as a hillside development. Concerning hillside development, the Land Use Element of the General Plan states:

"Hillside management areas are defined as mountainous and foothill terrain having a natural slope of 25 [percent] or more... In these areas, it is the intent of [General] Plan policy to permit uses which are compatible with hillside character and suitability factors, which do not create a demand for public investment in urban services and facilities, and which do not cause significant adverse environmental impacts."

(Land Use Element, General Conditions and Standards for Development,
Non-Urban Hillside Development, Pages LU-28, 29)

C. Conservation/Open Space

Conserving natural areas is a policy of the Conservation and Open Space Element of the General Plan. Regarding conservation, the General Plan states the following:

"Protect watershed, streams, and riparian vegetation to minimize water pollution, soil erosion and sedimentation, maintain natural habitats, and aid in ground water recharge."

"Encourage open space easements and dedications as a means of meeting scenic, recreational and conservation needs."

(Conservation/Open Space Element, Policy Nos. 12 and 13, Page OS-21)

D. Housing

The project proposes new residential development that will increase the overall supply of housing within the County. Concerning housing supply, the Housing Element of the General Plan states the following:

"An ample supply of housing is necessary to stabilize the rising cost of housing and to ensure that all housing needs are met. The projected demand for housing can be met by preserving the existing housing stock and by new construction."

(Housing Element, Needs and Policies, Housing Quantity, Page IV-31)

II. LAND USE PLAN POLICIES

According to the General Plan, area plans such as the adopted Land Use Plan ("LUP") of the Malibu Local Coastal Plan serve to guide local land use decisions and set more precise standards and conditions for development that are tailored to a specific community (see General Plan, Page I-4). In addition, the LUP states that it serves to provide a local perspective with guidelines appropriate to local issues, and that Countywide issues not specifically addressed in the LUP are still applicable to the LUP and can be found in the General Plan (see LUP, Relationship to Other County Plans, Page 7).

A. Goal of the LUP

The LUP was created in order to help implement the Coastal Act of 1976. The LUP identifies its primary goal as the following:

"The overriding goal of this Local Coastal Plan shall be to preserve the unique natural resources and fragile environment of the Malibu/Santa Monica Mountains Coastal Zone for the enjoyment of millions of Los Angeles area residents and visitors, as well as for future generations... this land use plan seeks a reasoned balance of various valid public interests... the needs of our entire community for the continued economic growth through wisely-planned commercial and housing development."

(LUP, Balanced Approach in Preparation of the Local Coastal Plan, Page 6)

B. Protection of Environmental Resources

Regarding development in and/or near an ESHA, the LUP states the following:

"Development in areas adjacent to [ESHAs]... shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas."

"Where new development is proposed adjacent to [ESHAs], open space or conservation easements shall be required in order to protect resources within the ESHA."

"New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources."

"To maintain natural vegetation buffer areas that protect all sensitive riparian habitats... all development other than driveways and walkways should be set back at least 50 feet from the outer limit of the designated environmentally sensitive riparian vegetation."

(Protection of Environmental Resources,
Policy Nos. P68, P72, P74 and P79, Page 25)

CONDITIONAL USE PERMIT

Hillside Management

Pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code") (Zoning Ordinance), a CUP for non-urban hillside management is required, and the applicant has

submitted an Exhibit "A" to demonstrate compliance with the requirements of hillside management design review.

Approximately 30.43 gross acres (88 percent) of the subject property contain slopes of 25 percent and greater. As the development exceeds the low density threshold of one dwelling unit, a non-urban hillside management CUP is required to protect hillside resources. A minimum of 70 percent of the net project area (or 23.52 acres) is also required to be permanently dedicated as open space. Overall, a total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in a separate fee-dedicated open space lot (Lot No. 7), to be designated as a "restricted use area" not subject to further development.

In addition to the standard burden of proof required for a CUP, the applicant must also meet the following burden of proof required for hillside management projects:

- A. *That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard; and*
- B. *That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area; and*
- C. *That the proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan; and*
- D. *That the proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents.*

The applicant's responses are attached.

OAK TREE PERMIT

The project site contains scattered individual Oak trees (*Quercus Agrifolia* genus) that do not form a woodland plant community. The proposed development will require the removal of five Oak trees. The consulting arborist, Bruce Malinowski, completed an updated Oak Tree Report on February 15, 2007. The report indicated the location, condition and "heritage status" of said Oak trees, and whether or not each tree was appropriate for transplanting. The report indicated that none of the five Oak trees are "heritage" Oaks, and that none are appropriate for transplanting, and, therefore, must be replaced.

Upon review of the updated arborist's report dated February 15, 2007, the Los Angeles County Forester/Fire Warden ("Forester/Fire Warden") issued recommended conditions of approval for the proposed Oak Tree Permit. In its conditions dated August 15, 2007, the Forester/Fire Warden is recommending approval of the permit request with a tree replacement ratio of 2:1 for each of the Oak trees to be removed, or, a total of 10 new Oak

trees to be planted on the project site. The planting location of the replacement Oak trees is indicated on a revised Oak Tree Replacement Plan dated November 26, 2008 (attached).

The approval of the Oak Tree Permit is based on the following findings stated in Section 22.56.2100 of the Zoning Ordinance ("burden of proof"):

- A. *That construction of the proposed land use will be accomplished without endangering the health of any remaining trees on the property that are subject to Chapter 22.56, Part 16, of the Los Angeles County Code;*
- B. *That the encroachment of two Oak trees is necessary for development reasons as the trees at the present location frustrates the planned improvements or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or the cost of such alternative would be prohibitive;*
- C. *That the encroachment of the Oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and*
- D. *That the encroachment of the Oak trees proposed will not be contrary to or in substantial conflict with the intent and purpose of the Oak tree permit procedure.*

The applicant's responses are attached.

ENVIRONMENTAL DOCUMENTATION

Based on the Initial Study prepared in accordance with State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles, Regional Planning has found that the proposed project qualifies for a Mitigated Negative Declaration ("MND") inasmuch as the project will have less than/no significant environmental impacts with project mitigation for the following:

- Air quality
- Archeological and cultural resources
- Biota
- Drainage and grading
- Emergency services
- Library services
- Mitigation compliance
- Noise
- Open space and parks
- Traffic

The Mitigation Monitoring Program ("MMP") is attached.

COUNTY DEPARTMENT AND AGENCY COMMENTS AND RECOMMENDATIONS

Subdivision Committee

The Los Angeles County Subdivision Committee ("Subdivision Committee") consists of the Los Angeles County Departments of Regional Planning ("Regional Planning"), Public Works, Fire, Parks and Recreation, and Public Health. The Subdivision Committee has reviewed the Vesting Tentative Tract Map and Exhibit "A" dated August 6, 2008 and recommends approval with the attached conditions.

Environmental Consultation

Staff received comments on the MND from several agencies between June 6, 2007 and July 21, 2008, including South Coast Air Quality Management District ("SCAQMD"), Parks and Recreation, California Coastal Commission, Resource Conservation District of the Santa Monica Mountains, County of Los Angeles Public Library, Santa Monica Mountains Conservancy, Los Angeles County Sheriff's Department, South Central Coastal Information Center, and the Coastal Environmental Review Board.

Regarding air quality, in its letter dated June 9, 2007, SCAQMD recommended that the lead agency "identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project." In its letter, SCAQMD mentioned several different methods that could be used to analyze air quality impacts, but did not recommend any specific mitigation measures for the project.

Regarding biological resources, in its letter dated June 29, 2007, the California Coastal Commission states that it disagrees with staff's assessment that the environmental determination be reduced from an EIR to an MND, and further stated that an EIR "should fully evaluate all feasible alternatives, including construction of no more than one single-family residence on the project site."

Lastly, regarding environmental impacts, in its letter dated July 13, 2007, the Santa Monica Mountains Conservancy found that Lot Nos. 4 and 6 "would result in significant ecological, viewshed and growth-inducing impacts," and that due to these impacts, "it is necessary to prepare an EIR."

Final Comments from the Environmental Review Board ("ERB")

In its final meeting regarding the subject project on July 21, 2008, the ERB made the overall recommendation that the project is "consistent after modifications". In its meeting minutes, the ERB noted the following:

- The most recent version of the project "is presented as a more clustered 6-unit subdivision which includes a [24]-acre area dedicated as open space"
- The ESHA (Latigo Canyon Creek) running through the property "is not considered a significant watershed"
- The "existing 10,000 square foot house pads need little grading" and "the sixth pad [on Lot No. 6] is close to Baller Road in a flat area that requires little grading"

In its meeting minutes dated July 21, 2008, the ERB provided several recommendations for the project that include the following:

- Retirement of the unused portion of Baller Road with a revegetation plan
- Recommendation for an updated Oak Tree Report
- Vegetation clearance along access roads
- Additional conditions for grading, slope planting, fuel modification, drainage and exterior night lighting
- Conservation easement(s) over open space that revoke development rights

The minutes and recommendations of the ERB are attached.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

In coordination with the applicant, notification as listed below was provided to nearby residents and the surrounding community:

- Hearing Notices: On April 16, 2009, hearing notices regarding this proposal were mailed to all property owners as identified on the current Assessor's record within 500 feet of the subject property for an approximate total of 127 notices.
- Library Package: On April 16, 2009, project materials, including a vesting tentative tract map, Exhibit "A", land use map, draft conditions of approval and environmental review documents were received at the Malibu Library.
- Project Site Posting: On April 17, 2009, one large hearing notice sign was posted at the property frontage along Latigo Canyon Road.
- Newspaper Advertisement: On April 18, 2009, the public hearing notice was published in The Daily News and La Opinion newspapers.
- Website Posting: On April 20, 2009, a copy of the library package containing draft copies of the hearing materials was posted on the Regional Planning website.

CORRESPONDENCE RECEIVED BEFORE PUBLIC HEARING

At the time of writing, staff has received no correspondence from the public regarding the proposed development.

STAFF EVALUATION

I. SUMMARY

1. General Plan and LUP Consistency

Regarding General Plan consistency, staff determined that the project is consistent in policy matters related to overall project density and land use, hillside management performance and project design, open space, and density transfer provisions of the General Plan. Further, by proposing a consistent project density and design, the project implements additional General Plan policies related to land use, conservation/open space, and housing.

Regarding LUP consistency, staff determined that the development is consistent with the overall goal of the LUP to "preserve the unique natural resources" and balance "various valid public interests." In addition, by proposing to protect the ESHA within a restricted-use, fee-dedicated open space lot, undisturbed by the proposed residential development, the project supports the LUP goals and policies to protect environmental resources.

Although the development is consistent with the General Plan and LUP, staff further recommends that the protection of project open space be ensured through the dedication of open space Lot No. 7 to a public agency or land conservation trust. Staff recommends that this be incorporated as a project condition of approval.

2. CUP Burdens of Proof

Staff has reviewed both of the applicant's burden of proof statements, and has two concerns related to offsite access and road improvements. The first concern, indicated on Page 1 of the applicant's hillside management burden of proof response, under the heading "fire hazard", states that "the proposed driveway will improve upon the existing lower segment of Baller Road thereby improving emergency Fire Department access to approximately five (5) existing homes and possibly 20 future homes." Baller Road is an existing dirt road that is a recorded utility access easement, but, historically, has served as a means of ingress and egress through the subject property to offsite residences located to the north of the subject property. Although Fire welcomes the additional paving and improvement of Baller Road due to increased level of access to offsite residences for fire safety purposes, Regional Planning is recommending that Baller Road be improved to the minimum extent feasible, so that only the portion of Baller Road necessary to serve the future residence on Lot No. 6 is improved.

Currently, on the tentative map/Exhibit "A", Baller Road is depicted to be paved for a linear distance of approximately 130 feet north of the boundary of Lot No. 6. In order to limit the potential growth-inducing impacts and offsite access issues related to extending the paving of Baller Road, and also to maximize the amount of undisturbed open space and pervious surface, staff recommends that Baller Road not be allowed to be improved beyond the northerly boundary of Lot No. 6. Specifically, staff recommends that the improvement of Baller Road terminate at the northeasterly corner of the proposed building pad location within Lot No. 6, approximately 100 feet south of the northerly boundary of Lot No. 6. In order to ensure compliance with minimizing the improvement of Baller Road, staff recommends that this change be included in the project conditions of approval.

Second, the ERB notes dated July 21, 2008 identified a potential legal access issue with the existing residence located to the immediate south of the subject property. Currently, this

residence gains access offsite through the subject property, at the same location identified on the tentative map/ Exhibit "A" as the proposed entrance for the subject project. Access along the proposed private street is walled to the south, but the tentative map/Exhibit "A" depict an opening/entryway in the proposed wall for access to the southerly residence. For added clarification, the applicant provided an extra exhibit showing the proposed location of the offsite access point (attached). The tentative map/Exhibit "A" identifies an existing easement (No. 8) to the adjacent landowner for "ingress, egress, parking and water lines" as "proposed to be relocated" by the applicant. The existing easement includes the area currently used for access by the owner to the south.

Staff recommends that easement No. 8 as identified on the tentative map/Exhibit "A" remain in place over a portion of Lot Nos. 1 and 8 in order to continue to provide legal and physical access through the subject property for the existing property owner to the south. Staff would not support a relocation of the easement that would deny access to the adjacent landowner and/or cause the landowner to incur substantial costs to create another means of access along Latigo Canyon Road. Furthermore, staff recommends that an entryway for offsite ingress and egress be provided through the wall along the southerly boundary of the private street as depicted on the tentative map/Exhibit "A", and that the applicant comply with this requirement as a condition of approval.

Lastly, regarding visual impacts, two retaining walls, each approximately 150 feet in length with a maximum height of six feet, are proposed along the westerly edge of the private driveway and fire lane access to Lot No. 6. These retaining walls will be visible from Latigo Canyon Road. Staff recommends that the retaining walls utilize a natural color that blends with the surrounding environment, and, in addition, be screened with vegetation. Staff recommends that the reduction in the visual impact of the retaining walls be ensured through a separate site plan/landscaping plan review and incorporated into the project conditions of approval.

Based on the applicant's responses, as well as the facts of the case, staff believes that the CUP burden of proof has been satisfied, contingent upon staff's recommendations being incorporated into the project conditions of approval.

3. Oak Tree Permit Burden of Proof

Staff has reviewed the applicant's burden of proof responses for the Oak Tree Permit and believes that the burden has been satisfied. The proposed removal of the five Oak trees is necessary in order to minimize environmental impacts and road access issues associated with the proposed development. No heritage Oaks are proposed to be removed, and the Forester/Fire Warden has accepted the information prepared by the consulting arborist and issued recommended conditions of approval.

4. Subdivision and Zoning Ordinance Compliance

The applicant has requested a waiver for street frontage requirements for proposed Lot Nos. 2, 3, 4 and 6. The subject project proposes less than the required street frontage of 50 feet for said lots as depicted on the tentative map/Exhibit "A". In accordance with the provisions of Section 21.24.040 of the County Code (Subdivision Ordinance), a modification to street frontage requirements may be granted when it is found that "topographic conditions and pattern of ownership... make the strict application of the provisions impossible or impractical, and that the public health, safety and welfare will not be adversely affected thereby." Based

on the steep topography over a majority of the subject property, especially the more environmentally sensitive area to the east, as well as the pattern of ownership of smaller parcels in the surrounding area, staff recommends that the request for waiver of street frontage requirements be granted so that the development site can remain clustered in its current location near Latigo Canyon Road, away from the ESHA and potential geologic hazards on steeper slopes in and adjacent to the ESHA. In addition, requiring street frontage for all lots would expand the private street lot to public street standards, including right of way, requiring additional grading and site disturbance.

The subject project also complies with all applicable provisions of the County Code (Zoning Ordinance), including those related to minimum required gross lot area of one acre for each single-family lot.

The project will have to comply with the County's Green Building Program (which includes Green Building, Low Impact Development, and Drought-Tolerant Landscaping Ordinances) in the future development of the site.

5. Environmental Determination

An MND has been prepared for the subject project. It has been determined that the development will have no significant environmental impacts with project mitigation, including mitigation measures to protect indigenous plant and wildlife species. "Conserving all resources, including natural habitats and wildlife" through effective environmental mitigation is one of the County's General Goals (see General Plan, General Goal No. 2, Page G-10). All potential environmental impacts are proposed to be mitigated to a level of less than significant/no impact.

The ERB has completed its review of the subject project and determined that the project is "consistent with modifications." Those modifications requested by the ERB related to drainage, grading, fuel modification and landscaping, open space deed restriction, and exterior night lighting have been incorporated into the Mitigation Monitoring Program ("MMP") and mitigation measures of the project.

6. Community Concerns

At the time of writing, staff has not received any information indicating that the local community is concerned with the proposed subdivision. Staff has not identified any project features that are incompatible with the community character and/or would tend to diminish the quality of life within the existing community.

II. CONCLUSION

Based on the above facts, staff recommends approval of the proposed development, contingent upon the below recommendations being incorporated into the project conditions of approval:

- Open Space Dedication: Staff recommends that the open space contained within Lot No.7 be dedicated to a public agency or land conservation trust.

- Baller Road Improvement: Staff recommends that the paving, grading and improvement of Baller Road be terminated at the end of the building pad area located on Lot No. 6, and that no improvement of Baller Road be extended into open space Lot No. 7.
- Offsite Access/Entryway and Easement: Staff recommends that the project site continue to provide offsite access to the neighboring residence located immediately south, that the existing easement remain in place over proposed Lot Nos. 1 and 8 to ensure legal access, and that an opening/entryway in the proposed retaining wall be provided and maintained to ensure physical access through the project site to the existing residence.
- Visual Impacts/Retaining Walls: Staff recommends that the proposed retaining walls located along the private driveway and fire lane visible from Latigo Canyon Road be constructed of materials utilizing a natural color that blends with the surrounding environment, and that the retaining walls be further screened with vegetation.

FEES/DEPOSITS

If approved as recommended by staff, the following shall apply:

California Department of Fish and Game:

A processing fee (currently \$2,068.00) associated with the filing and posting of a Notice of Determination with the County Clerk, to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game.

Los Angeles County Librarian:

A fee (currently \$4,758.00) must be paid prior to building permit issuance for library facilities mitigation.

Department of Regional Planning, Impact Analysis:

A deposit of \$3,000.00 to defray the costs of reviewing the subdivider's reports and verifying compliance with the information required by the Mitigation Monitoring Program.

Department of Regional Planning, Land Divisions:

A fee of \$150.00 per inspection for bond release will be charged to ensure completion/installation of onsite improvements related to driveway paving and front yard tree planting.

STAFF RECOMMENDATION

Based on an analysis of the above facts, staff recommends that the Regional Planning Commission close the public hearing, adopt the MND and MMP, and **approve** Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3) and Oak Tree Permit Case No. 2007-00011-(3) with the attached findings and conditions.

Suggested Motion: "I move that the Regional Planning Commission close the public hearing and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program."

Suggested Motion: "I move that the Regional Planning Commission approve Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3), and Oak Tree Permit Case No. 2007-00011-(3)."

Attachments:

- Factual
- Draft Findings and Conditions
- Environmental Determination (Mitigated Negative Declaration)
- Vesting Tentative Tract Map No. 34289 and Exhibit "A", dated August 6, 2008
- Burdens of Proof (CUP, Oak Tree Permit)
- Oak Replacement Planting Plan
- Project History
- Correspondence
- ERB Minutes
- Offsite Access Exhibit
- Open Space Exhibit
- Photos
- Land Use Map
- GIS-Net Map
- Thomas Brothers Guide Map Page

SMT:jds
5/7/09

**COUNTY OF LOS ANGELES
DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
CONDITIONAL USE PERMIT CASE NO. 94-165-(3)**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Conditional Use Permit ("CUP") Case No. 94-165-(3). CUP Case No. 94-165-(3) was heard concurrently with Vesting Tentative Tract Map No. 34289 and Oak Tree Permit Case No. 2007-00011-(3) on May 20, 2009.
2. CUP Case No. 94-165-(3) is a request to ensure compliance with Non-Urban Hillside Management Design Review Criteria pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code") (Zoning Ordinance).
3. Vesting Tentative Tract Map No. 34289 is a related request to create six single-family lots, one open space lot and one private street lot on 34.43 gross acres.
4. Oak Tree Permit Case No. 2007-00011-(3) is a related request for the removal of five Oak trees (no heritage Oaks).
5. The proposed subdivision is a non-urban hillside project, as the subject property exhibits natural slopes of 25 percent or greater. A CUP is required for the development, as the six proposed dwelling units exceed the low-density threshold of one dwelling unit established for the site.
6. The subject site is located on Latigo Canyon Road, approximately 450 feet north of W. Ocean View Drive, in The Malibu Zoned District and within the Santa Monica Mountains Coastal Zone.
7. The subject property is approximately 34.43 gross acres (33.6 net acres) in size. It has variable (flat to steeply-sloping) topography with 3.96 acres in the 0 to 25 percent slopes, 12.01 acres in the 25 to 50 percent slopes and 18.42 acres in areas sloping 50 percent or greater.
8. The project proposes 20,450 cubic yards of grading (19,250 "cut" and 1,200 "fill"). As more than 10,000 cubic yards of earthwork is proposed to be transported offsite, a haul route must be approved by the Director of Regional Planning.
9. The project site contains an Environmentally Sensitive Habitat Area ("ESHA") (Latigo Canyon Creek). The ESHA varies in width from 15 to 65 feet, and traverses north-south through the entire 1300-foot length of the subject property. Proposed development (including grading and structures) will be located at least 300 feet to the west of the nearest ESHA boundary line.
10. There are five Oak trees on the subject site proposed to be removed. Four Oak trees (Nos. 1 through 4 as identified on the vesting tentative map/Exhibit "A") are located in

the southwesterly corner of the subject property, near Latigo Canyon Road, and one Oak tree (No. 5) is located further to the north approximately 260 feet east of Latigo Canyon Road. None of the Oak tree to be removed are heritage Oaks.

11. Primary access to the subject property is via Latigo Canyon Road, a 60-foot wide public street with 28 feet of paved access width. Additional onsite access is provided by Baller Road, an unpaved utility access easement with 10 to 15 feet of variable width that provides north-south ingress and egress to existing properties and residences located to the north.
12. The project site is designated as non-urban hillside development, and a minimum of 70 percent (23.52 net acres) of open space is required. The project provides 72.1 percent (24.33 net acres) of fee-dedicated undisturbed open space in a separate open space lot to be restricted from future development. The existing ESHA is contained entirely within the proposed open space lot.
13. The project site is zoned A-1-1 (Light Agricultural - One Acre Minimum Required Gross Lot Area).
14. Areas to the north and west are zoned A-1-1 and R-R-1 (Resort and Recreation - One Acre Minimum Required Lot Gross Area). Areas to the south and east are zoned A-1-1.
15. The subject property is currently vacant, with three existing building pad sites graded under a previous permit. The graded pads are clustered together in the southwesterly area of the project site near Latigo Canyon Road.
16. The subject property is surrounded by single-family residences and vacant parcels to the north, south and west, with vacant parcels to the east.
17. The project is consistent with the A-1-1 zoning for allowed residential uses. Single-family residences are permitted in the A-1 zone pursuant to Section 22.24.070 of the County Code. The six proposed single-family lots meet the minimum area requirements of the A-1-1 zone.
18. Previous project history on the subject site includes: (1) Revised Tract Map No. 34289-2, a subdivision for nine single-family lots, approved by the Regional Planning Commission ("Commission") on July 10, 1991. Associated CUP No. 79-027 for non-urban hillside management performance review was also re-approved and granted on July 10, 1991. The revised tract map expired on July 10, 1993, and the subdivision never recorded; (2) Certificate of Compliance No. 91-0075 recorded on April 25, 1991; and (3) Tract Map No. 34289, a subdivision for 12 single-family lots, approved by the Commission on March 6, 1980. Associated CUP No. 79-027 for non-urban

hillside management performance review was also approved on March 6, 1980. The tract map expired on September 6, 1989, and the subdivision never recorded.

19. The project will have to comply with the County's Green Building Program (which includes Green Building, Low Impact Development, and Drought-Tolerant Landscaping Ordinances) in the future development of the site.
20. The subject property is located within three separate land use categories of the Malibu Local Coastal Land Use Plan ("LUP"), a component of the Los Angeles Countywide General Plan ("General Plan"). Category 4 (Rural Land II - Up to One Dwelling Unit Per Five Acres Average) of the LUP consists of 5.97 gross acres of the subject property. Category 5 (Rural Land III - Up to One Dwelling Unit Per Two Acres Average) consists of 17.02 gross acres of the subject property. Lastly, Category M2 (Mountain Land - Up to One Dwelling Unit Per 20 Acres Average) consists of the remaining 11.4 gross acres of the subject property. These land use categories permit a maximum of six dwelling units on the 34.43 gross acre property.
21. As slopes greater than 25 percent exist on the subject property, the applicant submitted a slope density study to determine if a CUP for hillside management is required. The applicant's slope density study dated March 6, 2008 revealed that the low density threshold for the subject project is one dwelling unit, and thus, the proposed six single-family lots exceed the low density threshold. Therefore, the project is subject to the hillside management performance review criteria of the General Plan, and a CUP for hillside management is required. Further, the slope density study revealed a maximum allowable density of six dwelling units. As six single-family lots are proposed, the applicant is requesting approval of the maximum allowable density with the hillside management CUP.
22. The Hillside Management CUP and General Plan require that at least 70 percent of the net project area (or 23.52 acres) be permanently dedicated as open space. Overall, a total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in a separate fee-dedicated open space lot. Since the proposed open space exceeds the 70 percent requirement, the proposed development is consistent with the open space requirements of the CUP and General Plan.
23. The proposed project was reviewed by the Environmental Review Board ("ERB"). Regarding consistency with the LUP, on July 21, 2008, the ERB determined that the development is "consistent with modifications." The modifications requested by the ERB related to drainage, grading, fuel modification and landscaping, open space deed restriction, and exterior night lighting have been incorporated into the Mitigation Monitoring Program ("MMP") and mitigation measures of the project.

24. At the time of writing, no correspondence was received for the proposed development.
25. On May 20, 2009, the Commission heard a presentation from staff and testimony from the applicant and the applicant's representative.
26. On May 20, 2009, the Commission discussed the proposed development and made the following comments.
27. On May 20, 2009, the Commission considered the recommendation of staff and testimony of the applicant, closed the public hearing, adopted the Mitigated Negative Declaration ("MND") and MMP, and approved Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3), and Oak Tree Permit Case No. 2007-00011-(3).
28. The subject project proposes less than the required street frontage for Lot Nos. 2, 3, 4 and 6 as depicted on the tentative map/Exhibit "A". In accordance with the provisions of Section 21.24.040 of the County Code, a modification to street frontage requirements may be granted when it is found that "topographic conditions and pattern of ownership... make the strict application of the provisions impossible or impractical, and that the public health, safety and welfare will not be adversely affected thereby." Based on the steep topography over a majority of the subject property, especially the more environmentally sensitive area to the east, as well as the pattern of ownership of smaller parcels in the surrounding area, staff has determined that the request for waiver of street frontage requirements be granted so that the development site can remain clustered in its current location near Latigo Canyon Road, away from the ESHA and potential geologic hazards on steeper slopes in and adjacent to the ESHA. In addition, requiring street frontage for all lots would expand the private street lot to public street standards, including right of way, requiring additional grading and site disturbance.
29. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for Conditional Use Permit Case No. 94-165-(3) and Oak Tree Permit Case No. 2007-00011-(3).
30. The subdivider has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice, as the proposed residential development complies with the existing A-1-1 zoning and is compatible with adjacent residential uses. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.

31. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and LUP, as the subdivision design, through the use of existing graded building sites and minimization of new grading, promotes good non-urban hillside management practices. The project exceeds the minimum 70 percent open space requirements for hillside projects, and proposes to permanently protect an ESHA in a separate fee-dedicated open space lot restricted from future development.
32. The site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street, has flat areas suitable to accommodate new single-family residences, has sufficient space for individual onsite septic systems, and will be served by public water supplies to meet anticipated needs.
33. The design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the conditions of approval.
34. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The subject property contains an ESHA that is located at least 300 feet away from the proposed single-family development (including grading and structures), and the ESHA will be permanently protected within a restricted-use open space lot. A Mitigation Monitoring Program ("MMP") and mitigation measures have been prepared for the project that ensures the avoidance of substantial environmental damage and/or injury to native habitats throughout the project site.
35. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein.
36. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.
37. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
38. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan.

39. The subject tract map has been submitted as a "vesting" tentative map. As such, it is subject to the provisions of Sections 21.38.101 through 21.38.080 of the County Code (Subdivision Ordinance).
40. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified less than significant impacts with project mitigation for geotechnical and drainage, fire protection, water quality, biota and mitigation compliance. Based on the Initial Study, a Mitigated Negative Declaration ("MND") has been prepared for this project. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the MMP.
41. After consideration of the attached MND together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the project as revised will have a significant effect on the environment, finds the MND reflects the independent judgment and analysis of the Commission, and adopts the MND and MMP.
42. This project does not have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Fee.
43. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

THEREFORE, in view of the findings of fact and conclusions presented above, CUP Case No. 94-165-(3) is approved, subject to the attached conditions of the Commission and recommendations of the Los Angeles County Subdivision Committee.

**DEPARTMENT OF REGIONAL PLANNING
CONDITIONAL USE PERMIT CASE NO. 94-165-(3)**

Exhibit "A" Date: 8-6-08

DRAFT CONDITIONS:

1. This grant authorizes the permittee, Chilumula R. Reddy, the use of the subject property in a non-urban hillside management area as a residential development of six new single-family lots, one open space lot, and one private street lot, as depicted on the approved exhibit map marked Exhibit "A" (dated August 6, 2008) or an approved revised Exhibit "A", subject to all of the following conditions of approval.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition Nos. 7 and 47 of this grant.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or entity making use of this grant.
4. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or Los Angeles County Hearing Officer ("Hearing Officer") may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
6. The property owner or permittee shall record the terms and conditions of the grant in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property.
7. Within three days of approval, remit processing fees (currently \$2,068.00) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and Section 711 of the California Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No project subject to this requirement is final, vested or operative until the fee is paid.

Draft Conditions

8. The subject property shall be developed and maintained in full compliance with the conditions of this grant, and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
9. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
10. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action or proceeding and shall reasonably cooperate in the defense.
11. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code ("County Code") Section 2.170.010.

12. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 34289. In the event that Vesting Tentative Tract Map No. 34289 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
13. The subject property shall be graded, developed and maintained in substantial conformance with the approved exhibit map on file marked Exhibit "A" (dated August 6, 2008) or an approved revised Exhibit "A".
14. All development shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property.
15. The development of the subject property shall conform to the conditions approved for Vesting Tentative Tract Map No. 34289.
16. Development of the hillside, including a total of 20,450 cubic yards of grading (19,250 "cut" and 1,200 "fill"), shall be done in substantial conformance with the approved Exhibit "A". As more than 10,000 cubic yards of earthwork is proposed to be transported offsite, a haul route must be approved by the Director of Regional Planning.
17. The permittee shall provide and maintain offsite access to the existing residence located directly south of the subject property via the existing ingress and egress easement located on Lot Nos. 1 and 8. Prior to final map recordation, the permittee shall submit an offsite access exhibit (Revised Exhibit "A") to the Los Angeles County Department of Regional Planning ("Regional Planning") for review and approval depicting the proposed design in substantial conformance with the access depicted on the approved tentative map/Exhibit "A" to the satisfaction of Regional Planning.
18. The permittee shall improve Baller Road only to the extent necessary to provide the means of access for the future residence to be located on Lot No. 6. The permittee shall not improve Baller Road beyond the building pad and boundaries of Lot No. 6. Prior to final map recordation, the permittee shall submit an exhibit map labeled revised Exhibit "A" to Regional Planning for review and approval depicting the proposed paving and improvements along Baller Road to the satisfaction of Regional Planning.
19. Open space shall comprise not less than 72.1 percent (24.33 acres) of the net project area. Such open space shall be undisturbed and contained entirely within a separate fee-dedicated open space lot identified as Lot No. 7 on the approved Exhibit "A" and open space exhibit, to the satisfaction of Regional Planning.
20. Open space contained within Lot No. 7 shall be designated as "Restricted Use Area – Open Space" on the final map.

21. Open space contained within Lot No. 7 shall be offered to a public agency, land conservation trust, or other comparable organization as the primary means to ensure the protection of all required project open space in perpetuity, to the satisfaction of Regional Planning. In the event that the open space contained within Lot No. 7 cannot be accepted by a public agency or other comparable organization, a Homeowners' Association ("HOA") shall protect and maintain the project open space within Lot No. 7.
22. An HOA shall be created as a secondary or interim means to permanently protect and maintain the project open space within Lot No. 7. Submit evidence to Regional Planning that an HOA has been created to maintain the open space identified within Lot No. 7 on the Exhibit "A" and open space exhibit prior to final map recordation.
23. An HOA shall be created to ensure the ownership and maintenance of private street Lot No. 8. Submit evidence to Regional Planning that an HOA has been created for Lot No. 8 prior to final map recordation.
24. The permittee shall provide evidence that a Coastal Development Permit for the current subject project has been approved by the California Coastal Commission prior to any work being performed on the project site.
25. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include language in the project's Conditions, Covenants and Restrictions ("CC&Rs") or maintenance agreements which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, submit to Regional Planning a copy of the draft document to be recorded.
26. No grading permit shall be issued prior the recordation of a final map.
27. Prior to any grading on the project site, a haul route must be reviewed and approved by the Director of Regional Planning.
29. All utilities shall be placed underground.
30. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works").
30. The use of earth-tone colored concrete shall be exclusively used for all exposed concrete in order to blend with the surrounding environment.
31. Detonation of explosives or any other blasting devices or material shall be prohibited unless all required permits have been obtained.
32. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to Monday through Friday, between 8:00 a.m. and 6:00

p.m., and Saturday, between 8:00 a.m. and 5:00 p.m. No Sunday or holiday operations are permitted.

33. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Planning and the Director of Public Works.
34. The permittee shall, upon commencement of any grading activity allowed by this permit, diligently pursue all grading to completion.
35. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
36. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect throughout the life of this permit.
37. All construction and development within the subject property shall comply with the applicable provisions of the Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County.
38. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
39. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
40. The permittee shall utilize water-saving devices and technology in the construction of this project to the extent feasible and consistent with Los Angeles County Building and Plumbing Codes.
41. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Public Health. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
42. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to water mains, fire hydrants, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by said Department.
43. Prior to the issuance of any grading and/or building permit, the permittee shall submit to the Director of Regional Planning for review and approval three (3) copies

of a revised Exhibit "A" (fully dimensioned, detailed site plan), indicating that the proposed construction and associated grading:

- a. complies with the conditions of this grant and the standards of the zone;
and
- b. is compatible with hillside resources.

46. Prior to the issuance of any grading and/or building permit, the permittee shall submit to the Director for review and approval three copies of a revised landscape plan, which may be incorporated into a revised Exhibit "A". The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. In addition, the landscaping plan shall include the plant species and size/coverage of the materials at anticipated levels of maturity. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. To the maximum extent feasible, drip irrigation systems shall be employed.

In addition to the review and approval by the Director of Planning, the landscaping plans will be reviewed by the staff biologist of Regional Planning and by the Los Angeles County Fire Department ("Fire Department"). Their review will include an evaluation of the balance of structural diversity (e.g. trees, shrubs and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements. The landscaping plan shall be maintained in compliance with the approved landscaping plans.

The landscaping plan must show that at least 50 percent of the area covered by landscaping will be locally indigenous species, including not only trees, but shrubs and ground cover as well. However, if the applicant can prove to the satisfaction of staff that a 50 percent or more locally indigenous species is not possible due to County fire safety requirements, then staff may determine that a lower percentage of such planting is required. In those areas where staff approves a reduction to less than 50 percent locally indigenous vegetation, the amount of such planting required shall be at least 30 percent. The landscaping shall include trees, shrubs and/or ground cover at a mixture and density determined by staff and the fire department. Fire retardant plants shall be given first consideration.

Permitted Plantings. Trees, shrubs and/or ground cover indigenous to the local region shall be used for the required 50 percent landscaping. Fire retardant and locally indigenous plants that may also be used for the required 50 percent.

Timing of Planting. Prior to the issuance of building permits for any construction the applicant shall submit a landscaping and phasing plan for the landscaping associated with that construction to be approved by the Director of Planning. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin at the time of occupancy of each building. The required planting of new trees, shrubs and/or ground cover shall be completed within six months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within eighteen months following completion of the required planting. The applicant shall supply information for staff review of the completed landscaping at such time to confirm completion in accordance with the approved landscaping plan. In the event that some plants have not flourished, at the time of review, staff may require replacement planting as necessary to assure completion in accordance with such plan.

45. The permittee shall fully comply with the Los Angeles County Green Building Program, to include the Green Building, Low Impact Development, and Drought-Tolerant Landscaping Ordinances.
46. Pursuant to Chapter 22.72 of the County Code, the permittee or his successor in interest shall pay a library facilities mitigation fee (currently \$4,758.00, or \$793.00 per dwelling unit) to the Los Angeles County Librarian prior to issuance of any building permit.
47. Within 30 days of the tentative map approval, as provided in the MMP, the permittee shall deposit the sum of \$3,000.00 with Regional Planning in order to defray the cost of reviewing the permittee's reports and verifying compliance with the information contained in the reports required by the MMP.
48. The permittee shall record a covenant agreeing to comply with the requirements of the MMP, and submit a copy of the covenant with attached MMP to Regional Planning for review and approval prior to final map recordation.

**COUNTY OF LOS ANGELES
DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
OAK TREE PERMIT CASE NO. 2007-00011-(3)**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Oak Tree Permit Case No. 2007-00011-(3). Oak Tree Permit Case No. 2007-00011-(3) was heard concurrently with Vesting Tentative Tract Map No. 34289 and Conditional Use Permit ("CUP") Case No. 94-165-(3) on May 20, 2009.
2. Oak Tree Permit Case No. 2007-00011-(3) is a request for the removal of five Oak trees (no heritage Oaks).
3. Vesting Tentative Tract Map No. 34289 is a related request to create six single-family lots, one open space lot and one private street lot on 34.43 gross acres.
4. CUP Case No. 94-165-(3) is a related request to ensure compliance with Non-Urban Hillside Management Design Review Criteria pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code") (Zoning Ordinance).
5. The proposed subdivision is a non-urban hillside project, as the subject property exhibits natural slopes of 25 percent or greater. A CUP is required for the development, as the six proposed dwelling units exceed the low-density threshold of one dwelling unit established for the site.
6. The subject site is located on Latigo Canyon Road, approximately 450 feet north of W. Ocean View Drive, in The Malibu Zoned District and within the Santa Monica Mountains Coastal Zone.
7. The subject property is approximately 34.43 gross acres (33.6 net acres) in size. It has variable (flat to steeply sloping) topography with 3.96 acres in the 0 to 25 percent slopes, 12.01 acres in the 25 to 50 percent slopes and 18.42 acres in areas sloping 50 percent or greater.
8. The project proposes 20,450 cubic yards of grading (19,250 "cut" and 1,200 "fill"). As more than 10,000 cubic yards of earthwork is proposed to be transported offsite, a haul route must be approved by the Director of Regional Planning.
9. The project site contains an Environmentally Sensitive Habitat Area ("ESHA") (Latigo Canyon Creek). The ESHA varies in width from 15 to 65 feet, and traverses north-south through the entire 1300-foot length of the subject property. Proposed development (including grading and structures) will be located at least 300 feet to the west of the nearest ESHA boundary line.
10. There are five Oak trees on the subject site proposed to be removed. Four Oak trees (Nos. 1 through 4 as identified on the vesting tentative map/Exhibit "A") are located in

the southwesterly corner of the subject property, near Latigo Canyon Road, and one Oak tree (No. 5) is located further to the north approximately 260 feet east of Latigo Canyon Road. None of the Oak tree to be removed are heritage Oaks.

11. Primary access to the subject property is via Latigo Canyon Road, a 60-foot wide public street with 28 feet of paved access width. Additional onsite access is provided by Baller Road, an unpaved utility access easement with 10 to 15 feet of variable width that provides north-south ingress and egress to existing properties and residences located to the north.
12. The project site is designated as non-urban hillside development, and a minimum of 70 percent (23.52 net acres) of open space is required. The project provides 72.1 percent (24.33 net acres) of fee-dedicated undisturbed open space in a separate open space lot to be restricted from future development. The existing ESHA is contained entirely within the proposed open space lot.
13. The project site is zoned A-1-1 (Light Agricultural - One Acre Minimum Required Gross Lot Area).
14. Areas to the north and west are zoned A-1-1 and R-R-1 (Resort and Recreation - One Acre Minimum Required Lot Gross Area). Areas to the south and east are zoned A-1-1.
15. The subject property is currently vacant, with three existing building pad sites graded under a previous permit. The graded pads are clustered together in the southwesterly area of the project site near Latigo Canyon Road.
16. The subject property is surrounded by single-family residences and vacant parcels to the north, south and west, with vacant parcels to the east.
17. The project is consistent with the A-1-1 zoning for allowed residential uses. Single-family residences are permitted in the A-1 zone pursuant to Section 22.24.070 of the County Code. The six proposed single-family lots meet the minimum area requirements of the A-1-1 zone.
18. Previous project history on the subject site includes: (1) Revised Tract Map No. 34289-2, a subdivision for nine single-family lots, approved by the Regional Planning Commission ("Commission") on July 10, 1991. Associated CUP No. 79-027 for non-urban hillside management performance review was also re-approved and granted on July 10, 1991. The revised tract map expired on July 10, 1993, and the subdivision never recorded; (2) Certificate of Compliance No. 91-0075 recorded on April 25, 1991; and (3) Tract Map No. 34289, a subdivision for 12 single-family lots, approved by the Commission on March 6, 1980. Associated CUP No. 79-027 for non-urban

hillside management performance review was also approved on March 6, 1980. The tract map expired on September 6, 1989, and the subdivision never recorded.

19. The project will have to comply with the County's Green Building Program (which includes Green Building, Low Impact Development, and Drought-Tolerant Landscaping Ordinances) in the future development of the site.
20. The subject property is located within three separate land use categories of the Malibu Local Coastal Land Use Plan ("LUP"), a component of the Los Angeles Countywide General Plan ("General Plan"). Category 4 (Rural Land II - Up to One Dwelling Unit Per Five Acres Average) of the LUP consists of 5.97 gross acres of the subject property. Category 5 (Rural Land III - Up to One Dwelling Unit Per Two Acres Average) consists of 17.02 gross acres of the subject property. Lastly, Category M2 (Mountain Land - Up to One Dwelling Unit Per 20 Acres Average) consists of the remaining 11.4 gross acres of the subject property. These land use categories permit a maximum of six dwelling units on the 34.43 gross acre property.
21. As slopes greater than 25 percent exist on the subject property, the applicant submitted a slope density study to determine if a CUP for hillside management is required. The applicant's slope density study dated March 6, 2008 revealed that the low density threshold for the subject project is one dwelling unit, and thus, the proposed six single-family lots exceed the low density threshold. Therefore, the project is subject to the hillside management performance review criteria of the General Plan, and a CUP for hillside management is required. Further, the slope density study revealed a maximum allowable density of six dwelling units. As six single-family lots are proposed, the applicant is requesting approval of the maximum allowable density with the hillside management CUP.
22. The Hillside Management CUP and General Plan require that at least 70 percent of the net project area (or 23.52 acres) be permanently dedicated as open space. Overall, a total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in a separate fee-dedicated open space lot. Since the proposed open space exceeds the 70 percent requirement, the proposed development is consistent with the open space requirements of the CUP and General Plan.
23. The proposed project was reviewed by the Environmental Review Board ("ERB"). Regarding consistency with the LUP, on July 21, 2008, the ERB determined that the development is "consistent with modifications." The modifications requested by the ERB related to drainage, grading, fuel modification and landscaping, open space deed restriction, and exterior night lighting have been incorporated into the Mitigation Monitoring Program ("MMP") and mitigation measures of the project.

24. At the time of writing, no correspondence was received for the proposed development.
25. On May 20, 2009, the Commission heard a presentation from staff and testimony from the applicant and the applicant's representative.
26. On May 20, 2009, the Commission discussed the proposed development and made the following comments.
27. On May 20, 2009, the Commission considered the recommendation of staff and testimony of the applicant, closed the public hearing, adopted the Mitigated Negative Declaration ("MND") and MMP, and approved Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3), and Oak Tree Permit Case No. 2007-00011-(3).
28. The subject project proposes less than the required street frontage for Lot Nos. 2, 3, 4 and 6 as depicted on the tentative map/Exhibit "A". In accordance with the provisions of Section 21.24.040 of the County Code, a modification to street frontage requirements may be granted when it is found that "topographic conditions and pattern of ownership... make the strict application of the provisions impossible or impractical, and that the public health, safety and welfare will not be adversely affected thereby." Based on the steep topography over a majority of the subject property, especially the more environmentally sensitive area to the east, as well as the pattern of ownership of smaller parcels in the surrounding area, staff has determined that the request for waiver of street frontage requirements be granted so that the development site can remain clustered in its current location near Latigo Canyon Road, away from the ESHA and potential geologic hazards on steeper slopes in and adjacent to the ESHA. In addition, requiring street frontage for all lots would expand the private street lot to public street standards, including right of way, requiring additional grading and site disturbance.
29. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for Conditional Use Permit Case No. 94-165-(3) and Oak Tree Permit Case No. 2007-00011-(3).
30. The subdivider has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice, as the proposed residential development complies with the existing A-1-1 zoning and is compatible with adjacent residential uses. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.

31. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and LUP, as the subdivision design, through the use of existing graded building sites and minimization of new grading, promotes good non-urban hillside management practices. The project exceeds the minimum 70 percent open space requirements for hillside projects, and proposes to permanently protect an ESHA in a separate fee-dedicated open space lot restricted from future development.
32. The site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street, has flat areas suitable to accommodate new single-family residences, has sufficient space for individual onsite septic systems, and will be served by public water supplies to meet anticipated needs.
33. The design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the conditions of approval.
34. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The subject property contains an ESHA that is located at least 300 feet away from the proposed single-family development (including grading and structures), and the ESHA will be permanently protected within a restricted-use open space lot. A Mitigation Monitoring Program ("MMP") and mitigation measures have been prepared for the project that ensures the avoidance of substantial environmental damage and/or injury to native habitats throughout the project site.
35. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein.
36. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.
37. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
38. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan.

39. The subject tract map has been submitted as a "vesting" tentative map. As such, it is subject to the provisions of Sections 21.38.101 through 21.38.080 of the County Code (Subdivision Ordinance).
40. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified less than significant impacts with project mitigation for geotechnical and drainage, fire protection, water quality, biota and mitigation compliance. Based on the Initial Study, a Mitigated Negative Declaration ("MND") has been prepared for this project. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the MMP.
41. After consideration of the attached MND together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the project as revised will have a significant effect on the environment, finds the MND reflects the independent judgment and analysis of the Commission, and adopts the MND and MMP.
42. This project does not have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Fee.
43. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

THEREFORE, in view of the findings of fact and conclusions presented above, Oak Tree Permit Case No. 2007-00011-(3) is approved, subject to the attached conditions of the Commission and recommendations of the Los Angeles County Subdivision Committee.

**DEPARTMENT OF REGIONAL PLANNING
OAK TREE PERMIT CASE NO. 2007-00011-(3)**

DRAFT CONDITIONS:

(Questions relating to these conditions should be addressed to the Forestry Division, Prevention Bureau of the Los Angeles County Forester and Fire Warden ("Forester") at either 818-890-5719 or 323-881-2481).

1. This grant allows the removal of the Oak genus (*Quercus agrifolia*) identified as Tree Nos. 1 through 5 on the applicant's vesting tentative tract map 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 other similar hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
2. 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.
3. This grant shall not be effective until the permittee and the owner of the property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions have been recorded as required by Condition No. 4 and until all required monies have been paid pursuant to Condition Nos. 9, 10.
4. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions.
7. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

8. No Oak tree shall be removed until the permittee has obtained all permits and approvals required for the work which necessitates such removals.
9. Within three days of the tentative map approval date, remit a processing fee (currently \$2,068.00) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and Section 711 of the California Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No project subject to this requirement is final, vested or operative until the fee is paid.
10. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the Los Angeles County Fire Department a sum of \$300.00. Such fee shall be used to compensate the Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with these conditions of approval. The above fees provide for three (3) subsequent annual inspections until the conditions of approval have been met. The Director of Regional Planning ("Director of Planning") and the Forester shall retain the right to make regular and unannounced site inspections.
11. The term "Oak Tree Report" refers to the document on file at Regional Planning by Bruce Malinowski, the consulting arborist, dated February 15, 2007.
12. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning and the Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that her or she agrees to report to the Director of Planning and Forester any failure to fully comply with the conditions of this grant. The arborist shall prepare a schedule of construction activities wherein the arborist will be present on the project site to ensure compliance with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant.
13. 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 Forester for the life of the Oak Tree Permit or associated Vesting Tentative Tract Map No. 34289.
14. The permittee shall keep copies of the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan and Conditions of Approval 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, and Conditions of Approval.

15. 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 accordance with the guidelines published by the national Arborist Association. Copies of these guidelines are available from the Forester. In no case shall more than 20 percent of the tree canopy of any one tree be removed.
16. 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 Forester, a copy of which is enclosed with these conditions.
17. Should encroachment within the protected zone of any additional trees of the Oak genus on the project site not permitted by this grant result in its injury or death within two 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 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 drip line 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.
21. Any violation 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 condition of this grant, the permittee shall be held financially responsible and shall reimburse the Forester for all enforcement efforts necessary to bring the subject property into compliance. The Director of Planning and the Forester shall retain the right to make regular and unannounced site inspections.
23. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission

("Commission") or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or as to be a nuisance.

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

25. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

a. If during the litigation process, actual costs incurred by the department reach 80 percent of the amount on deposit up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

26. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 34289. In the event that the tentative map should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

27. This grant shall terminate upon the completion of the authorized Oak tree removals and the completion of all required mitigation and monitoring to the satisfaction of the Forester and Regional Planning.

28. Within 30 days of the tentative map approval, as provided in the MMP, the permittee shall deposit the sum of \$3,000.00 with Regional Planning in order to defray the cost of reviewing the permittee's reports and verifying compliance with the information contained in the reports required by the MMP.
29. The permittee shall record a covenant agreeing to comply with the requirements of the MMP, and submit a copy of the covenant with attached MMP to Regional Planning for review and approval prior to final map recordation.

DRAFT

**COUNTY OF LOS ANGELES
DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP NO. 34289**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Vesting Tentative Tract Map No. 34289 on May 20, 2009. Vesting Tentative Tract Map No. 34289 was heard concurrently with Conditional Use Permit Case No. 94-165-(3) and Oak Tree Permit Case No. 2007-00011-(3).
2. Vesting Tentative Tract Map No. 34289 is a request to create six single-family lots, one open space lot and one private street lot on 34.43 gross acres.
3. Conditional Use Permit ("CUP") Case No. 94-165-(3) is a related request to ensure compliance with non-urban hillside management design review criteria pursuant to Section 22.56.215 of the Los Angeles County Code ("County Code") (Zoning Ordinance).
4. Oak Tree Permit Case No. 2007-00011-(3) is a related request for the removal of five Oak trees (no heritage Oaks).
5. The proposed subdivision is a non-urban hillside project, as the subject property exhibits natural slopes of 25 percent or greater. A CUP is required for the development, as the six proposed dwelling units exceed the low-density threshold of one dwelling unit established for the site.
6. The subject site is located on Latigo Canyon Road, approximately 450 feet north of W. Ocean View Drive, in The Malibu Zoned District and within the Santa Monica Mountains Coastal Zone.
7. The subject property is approximately 34.43 gross acres (33.6 net acres) in size. It has variable (flat to steeply-sloping) topography with 3.96 acres in the 0 to 25 percent slopes, 12.01 acres in the 25 to 50 percent slopes and 18.42 acres in areas sloping 50 percent or greater.
8. The project proposes 20,450 cubic yards of grading (19,250 "cut" and 1,200 "fill"). As more than 10,000 cubic yards of earthwork is proposed to be transported offsite, a haul route must be approved by the Director of Regional Planning.
9. The project site contains an Environmentally Sensitive Habitat Area ("ESHA") (Latigo Canyon Creek). The ESHA varies in width from 15 to 65 feet, and traverses north-south through the entire 1300-foot length of the subject property. Proposed development (including grading and structures) will be located at least 300 feet to the west of the nearest ESHA boundary line.

10. There are five Oak trees on the subject site proposed to be removed. Four Oak trees (Nos. 1 through 4 as identified on the vesting tentative map/Exhibit "A") are located in the southwesterly corner of the subject property, near Latigo Canyon Road, and one Oak tree (No. 5) is located further to the north approximately 260 feet east of Latigo Canyon Road. None of the Oak tree to be removed are heritage Oaks.
11. Primary access to the subject property is via Latigo Canyon Road, a 60-foot wide public street with 28 feet of paved access width. Additional onsite access is provided by Baller Road, an unpaved utility access easement with 10 to 15 feet of variable width that provides north-south ingress and egress to existing properties and residences located to the north.
12. The project site is designated as non-urban hillside development, and a minimum of 70 percent (23.52 net acres) of open space is required. The project provides 72.1 percent (24.33 net acres) of fee-dedicated undisturbed open space in a separate open space lot to be restricted from future development. The existing ESHA is contained entirely within the proposed open space lot.
13. The project site is zoned A-1-1 (Light Agricultural - One Acre Minimum Required Gross Lot Area).
14. Areas to the north and west are zoned A-1-1 and R-R-1 (Resort and Recreation - One Acre Minimum Required Lot Gross Area). Areas to the south and east are zoned A-1-1.
15. The subject property is currently vacant, with three existing building pad sites graded under a previous permit. The graded pads are clustered together in the southwesterly area of the project site near Latigo Canyon Road.
16. The subject property is surrounded by single-family residences and vacant parcels to the north, south and west, with vacant parcels to the east.
17. The project is consistent with the A-1-1 zoning for allowed residential uses. Single-family residences are permitted in the A-1 zone pursuant to Section 22.24.070 of the County Code. The six proposed single-family lots meet the minimum area requirements of the A-1-1 zone.
18. Previous project history on the subject site includes: (1) Revised Tract Map No. 34289-2, a subdivision for nine single-family lots, approved by the Regional Planning Commission ("Commission") on July 10, 1991. Associated CUP No. 79-027 for non-urban hillside management performance review was also re-approved and granted on July 10, 1991. The revised tract map expired on July 10, 1993, and the subdivision never recorded; (2) Certificate of Compliance No. 91-0075 recorded on April 25,

1991; and (3) Tract Map No. 34289, a subdivision for 12 single-family lots, approved by the Commission on March 6, 1980. Associated CUP No. 79-027 for non-urban hillside management performance review was also approved on March 6, 1980. The tract map expired on September 6, 1989, and the subdivision never recorded.

19. The project will have to comply with the County's Green Building Program (which includes Green Building, Low Impact Development, and Drought-Tolerant Landscaping Ordinances) in the future development of the site.
20. The subject property is located within three separate land use categories of the Malibu Local Coastal Land Use Plan ("LUP"), a component of the Los Angeles Countywide General Plan ("General Plan"). Category 4 (Rural Land II - Up to One Dwelling Unit Per Five Acres Average) of the LUP consists of 5.97 gross acres of the subject property. Category 5 (Rural Land III - Up to One Dwelling Unit Per Two Acres Average) consists of 17.02 gross acres of the subject property. Lastly, Category M2 (Mountain Land - Up to One Dwelling Unit Per 20 Acres Average) consists of the remaining 11.4 gross acres of the subject property. These land use categories permit a maximum of six dwelling units on the 34.43 gross acre property.
21. As slopes greater than 25 percent exist on the subject property, the applicant submitted a slope density study to determine if a CUP for hillside management is required. The applicant's slope density study dated March 6, 2008 revealed that the low density threshold for the subject project is one dwelling unit, and thus, the proposed six single-family lots exceed the low density threshold. Therefore, the project is subject to the hillside management performance review criteria of the General Plan, and a CUP for hillside management is required. Further, the slope density study revealed a maximum allowable density of six dwelling units. As six single-family lots are proposed, the applicant is requesting approval of the maximum allowable density with the hillside management CUP.
22. The Hillside Management CUP and General Plan require that at least 70 percent of the net project area (or 23.52 acres) be permanently dedicated as open space. Overall, a total of 72.1 percent (24.33 net acres) of the subject property is proposed to be dedicated as open space in a separate fee-dedicated open space lot. Since the proposed open space exceeds the 70 percent requirement, the proposed development is consistent with the open space requirements of the CUP and General Plan.
23. The proposed project was reviewed by the Environmental Review Board ("ERB"). Regarding consistency with the LUP, on July 21, 2008, the ERB determined that the development is "consistent with modifications." The modifications requested by the ERB related to drainage, grading, fuel modification and landscaping, open space

deed restriction, and exterior night lighting have been incorporated into the Mitigation Monitoring Program ("MMP") and mitigation measures of the project.

24. At the time of writing, no correspondence was received for the proposed development.
25. On May 20, 2009, the Commission heard a presentation from staff and testimony from the applicant and the applicant's representative.
26. On May 20, 2009, the Commission discussed the proposed development and made the following comments.
27. On May 20, 2009, the Commission considered the recommendation of staff and testimony of the applicant, closed the public hearing, adopted the Mitigated Negative Declaration ("MND") and MMP, and approved Vesting Tentative Tract Map No. 34289, Conditional Use Permit Case No. 94-165-(3), and Oak Tree Permit Case No. 2007-00011-(3).
28. The subject project proposes less than the required street frontage for Lot Nos. 2, 3, 4 and 6 as depicted on the tentative map/Exhibit "A". In accordance with the provisions of Section 21.24.040 of the County Code, a modification to street frontage requirements may be granted when it is found that "topographic conditions and pattern of ownership... make the strict application of the provisions impossible or impractical, and that the public health, safety and welfare will not be adversely affected thereby." Based on the steep topography over a majority of the subject property, especially the more environmentally sensitive area to the east, as well as the pattern of ownership of smaller parcels in the surrounding area, staff has determined that the request for waiver of street frontage requirements be granted so that the development site can remain clustered in its current location near Latigo Canyon Road, away from the ESHA and potential geologic hazards on steeper slopes in and adjacent to the ESHA. In addition, requiring street frontage for all lots would expand the private street lot to public street standards, including right of way, requiring additional grading and site disturbance.
29. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for Conditional Use Permit Case No. 94-165-(3) and Oak Tree Permit Case No. 2007-00011-(3).
30. The subdivider has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice, as the proposed residential development complies with the existing A-1-1 zoning and is compatible with adjacent residential uses. Compliance

with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.

31. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the General Plan and LUP, as the subdivision design, through the use of existing graded building sites and minimization of new grading, promotes good non-urban hillside management practices. The project exceeds the minimum 70 percent open space requirements for hillside projects, and proposes to permanently protect an ESHA in a separate fee-dedicated open space lot restricted from future development.
32. The site is physically suitable for the density and type of development proposed, since it has access to a County-maintained street, has flat areas suitable to accommodate new single-family residences, has sufficient space for individual onsite septic systems, and will be served by public water supplies to meet anticipated needs.
33. The design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the conditions of approval.
34. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The subject property contains an ESHA that is located at least 300 feet away from the proposed single-family development (including grading and structures), and the ESHA will be permanently protected within a restricted-use open space lot. A Mitigation Monitoring Program ("MMP") and mitigation measures have been prepared for the project that ensures the avoidance of substantial environmental damage and/or injury to native habitats throughout the project site.
35. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein.
36. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.
37. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.

38. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan.
39. The subject tract map has been submitted as a "vesting" tentative map. As such, it is subject to the provisions of Sections 21.38.101 through 21.38.080 of the County Code (Subdivision Ordinance).
40. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified less than significant impacts with project mitigation for geotechnical and drainage, fire protection, water quality, biota and mitigation compliance. Based on the Initial Study, a Mitigated Negative Declaration ("MND") has been prepared for this project. Mitigation measures are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such measures have been included in the MMP.
41. After consideration of the attached MND together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the project as revised will have a significant effect on the environment, finds the MND reflects the independent judgment and analysis of the Commission, and adopts the MND and MMP.
42. This project does not have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Fee.
43. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

THEREFORE, in view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 34289 is approved, subject to the attached conditions of the Commission and recommendations of the Los Angeles County Subdivision Committee.

DRAFT CONDITIONS:

1. The subdivider shall conform to the requirements of Title 21 of the Los Angeles County Code ("County Code"). In addition, the subdivider shall comply with Conditional Use Permit ("CUP") Case No. 94-165-(3), Oak Tree Permit ("OTP") Case No. 2007-00011-(3), the Mitigation Monitoring Program ("MMP"), and the requirements of the County Code for green building, low impact development, and drought-tolerant landscaping.
2. The subdivider shall conform to the applicable requirements of the A-1-1 (Light Agricultural – One Acre Minimum Required Gross Lot Area) zone.
3. The subdivider shall submit evidence that the conditions of associated CUP Case No. 94-165-(3) and OTP Case No. 2007-00011-(3) have been recorded.
4. The subdivider shall provide at least 50 feet of street frontage on Lot Nos. 1 and 5.
5. Permission is granted to provide less than the required street frontage for Lot Nos. 2, 3, 4 and 6 as depicted on the approved tentative map in accordance with the provisions of Section 21.24.040 of the County Code.
6. The subdivider shall label Lot No. 8 as "Private Street" on the final map.
7. The subdivider shall provide and maintain offsite access to the existing residence located directly south of the subject property via the existing ingress and egress easement located on Lot Nos. 1 and 8. Prior to final map recordation, the subdivider shall submit an offsite access exhibit (Revised Exhibit "A") to the Los Angeles County Department of Regional Planning ("Regional Planning") for review and approval depicting the proposed design in substantial conformance with the access depicted on the approved tentative map/Exhibit "A" to the satisfaction of Regional Planning.
8. The subdivider shall improve Baller Road only to the extent necessary to provide the means of access for the future residence to be located on Lot No. 6. The subdivider shall not improve Baller Road beyond the building pad and boundaries of Lot No. 6. Prior to final map recordation, the subdivider shall submit an exhibit map labeled revised Exhibit "A" to Regional Planning for review and approval depicting the proposed paving and improvements along Baller Road to the satisfaction of Regional Planning.
9. The subdivider shall provide at least 15 feet of access width for open space Lot No. 7 via the existing easement along Baller Road located on Lot No. 6.
10. The subdivider shall provide evidence that a Coastal Development Permit for the current subject project has been approved by the California Coastal Commission

prior to final map recordation.

11. Open space shall comprise not less than 72.1 percent (24.33 acres) of the net project area. Such open space shall be undisturbed and contained entirely within a separate fee-dedicated open space lot identified as Lot No. 7 on the approved Exhibit "A" and open space exhibit, to the satisfaction of Regional Planning.
12. Open space contained within Lot No. 7 shall be designated as "Restricted Use Area – Open Space" on the final map.
13. Open space contained within Lot No. 7 shall be offered to a public agency, land conservation trust, or other comparable organization as the primary means to ensure the protection of all required project open space in perpetuity, to the satisfaction of Regional Planning. In the event that the open space contained within Lot No. 7 cannot be accepted by a public agency or other comparable organization, a Homeowners' Association ("HOA") shall protect and maintain the project open space within Lot No. 7.
14. An HOA shall be created as a secondary or interim means to permanently protect and maintain the project open space within Lot No. 7. Submit evidence to Regional Planning that an HOA has been created to maintain the open space identified within Lot No. 7 on the Exhibit "A" and open space exhibit prior to final map recordation.
15. An HOA shall be created to ensure the ownership and maintenance of private street Lot No. 8. Submit evidence to Regional Planning that an HOA has been created for Lot No. 8 prior to final map recordation.
16. Submit a draft copy of the project's Covenants, Conditions and Restrictions ("CC&Rs") or maintenance agreement to Regional Planning indicating the method of maintenance for the project open space, to the satisfaction of Regional Planning, prior to final map recordation.
17. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include language in the project's Conditions, Covenants and Restrictions ("CC&Rs") or maintenance agreements which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, submit to Regional Planning a copy of the draft document to be recorded.
18. No grading permit shall be issued prior the recordation of a final map.
19. Prior to the issuance of any grading and/or building permit, three copies of a landscape plan which may be incorporated into a revised site plan, shall be submitted and approved by the Director of Regional Planning as required by CUP Case No. 94-165-(3).

20. Per Section 21.32.195 of the County Code, plant or cause to be planted at least one tree of a non-invasive species within the front yard of each residential lot, for a minimum total of six new trees. The location and the species of said trees shall be incorporated into a site plan or landscape plan. Prior to final map approval, the site/landscaping plan shall be approved by the Director of Regional Planning and a bond shall be posted with Public Works or other verification shall be submitted to the satisfaction of Regional Planning to ensure the planting of the required trees.
21. For the posting of any performance bonds for conditions herein, inspections related to the verification of improvement(s) installation and/or construction shall be conducted by Regional Planning. Upon request for a bond release, the subdivider shall pay the amount charged for bond release inspections, which shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
22. Pursuant to Chapter 22.72 of the County Code, the subdivider or his successor in interest shall pay a library facilities mitigation fee (currently \$4,758.00, or \$793.00 per dwelling unit) to the Los Angeles County Librarian prior to issuance of any building permit.
23. Within three days of the tentative map approval date, the subdivider shall remit a processing fee (currently \$2,068.00) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and Section 711 of the California Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No project subject to this requirement is final, vested or operative until the fee is paid.
24. Within 30 days of the tentative map approval, as provided in the MMP, the subdivider shall deposit the sum of \$3,000.00 with Regional Planning in order to defray the cost of reviewing the subdivider's reports and verifying compliance with the information contained in the reports required by the MMP.
25. Prior to recordation of the final map, the subdivider shall record a covenant with the County of Los Angeles agreeing to implement all environmental mitigation measures as specified in the "Project Changes/Conditions due to Environmental Evaluation" and also agreeing to the establishment of a mitigation monitoring trust account. Prior to recordation, the subdivider shall submit a copy of the draft covenant to the Director of Regional Planning for approval.
26. The Subdivider shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, and employees to attack, set aside, void or annul this Tract map approval, or related discretionary approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of the Government Code Section 65499.37 or any other applicable time period. The County shall promptly

notify the Subdivider of any claim, action or proceeding and the County shall cooperate reasonably in the defense.

27. In the event that any claim, action or proceeding as described above is filed against the County, the Subdivider shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the Subdivider, or the Subdivider's counsel. The Subdivider shall pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the deposit amount, the Subdivider shall deposit additional funds to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to the completion of the litigation.
- b. At the sole discretion of the Subdivider, the amount of the initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the Subdivider according to the County Code Section 2.170.010.

Except as modified herein above, this approval is subject to all those conditions set forth in CUP Case No. 94-165-(3), OTP Case No. 2007-00011-(3), the attached Mitigation Monitoring Program, and the attached reports recommended by the Subdivision Committee, which consists of the Departments of Regional Planning, Public Works, Fire, Parks and Recreation, and Public Health.

The following reports consisting of 9 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.
2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.
3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.
5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.
6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.
7. Quitclaim or relocate easements running through proposed structures.

8. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.
9. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, and maintenance purposes, etc., in documents over the private driveways to the satisfaction of Public Works.
10. The street frontage requirement for Lots 2, 3, 4, and 6 needs to be waived by the Department of Regional Planning.
11. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.
12. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.
13. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.
14. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of \$2,000 (Minor Land Divisions) or \$5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation.



**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 34289

TENTATIVE MAP DATE: 08/06/2008
EXHIBIT MAP DATE: 08/06/2008

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

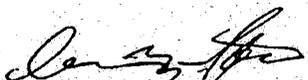
1. Comply with the requirements of the Hydrology Study/Drainage Concept/Standard Urban Stormwater Mitigation Plan (SUSMP), which was conceptually approved on 03/26/08 to the satisfaction of the Department of Public Works.

Prior to recordation of a Final Map or Parcel map Waiver:

1. Submit plans of drainage facilities as required by hydrology study for design of drainage facilities to the satisfaction of Department of Public Works.
2. Show and label all natural drainage courses.
3. Dedicate to the County the right to restrict the erection of buildings in the flood hazard area.
4. An assessment district shall be formed to finance the future ongoing maintenance and capital replacement of all drainage devices/systems identified by the Department of Public Works. The Subdivider shall deposit the first year's total assessment based on the Public Works engineering report. This will fund the first year's maintenance after the facilities are accepted. The second and subsequent years' assessment will be collected through the property tax bill. This is required to the satisfaction of the Department of Public Works.

Prior to Building Permit:

1. Prior to issuance of building permits, plans must be approved to: provide for the proper distribution of drainage and for contributory drainage from adjoining properties and eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action; comply with NPDES, SWMP, and SUSMP requirements.

Name  NS Date 09/02/2008 Phone (626) 458-4921
Elaine Kunitake

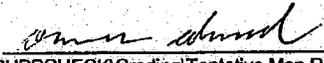
The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Provide approval of:
 - a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.
 - b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).
 - c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.
 - d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.
 - e. A permit or a letter of non-jurisdiction from the State of California Department of Conservation, Division of Oil and Gas (DOG).
 - f. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.
 - g. A permit or a letter of non-jurisdiction from the California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.
3. Provide a draft copy of the CC&Rs

Name  Date 8/20/2008 Phone (626) 458-4921
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**County of Los Angeles Department of Public Works
 GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
 GEOLOGIC REVIEW SHEET
 900 So. Fremont Ave., Alhambra, CA 91803
 TEL. (626) 458-4925**

DISTRIBUTION
 1 Geologist
 1 Soils Engineer
 1 GMED File
 1 Subdivision

TENTATIVE TRACT / PARCEL MAP 34289
 SUBDIVIDER Reddy
 ENGINEER Whitson Engineers
 GEOLOGIST & SOILS ENG. Geolabs Westlake Village

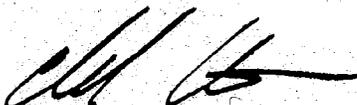
TENTATIVE MAP DATED 8/6/08 (Rev.)
 LOCATION Malibu
 GRADING BY SUBDIVIDER [Y] (Y or N) 20,450yds.³
 REPORT DATE 12/4/08 (Soils), 11/21/08 (Geol.), 9/3/08,
 3/21/08, 11/20/07, 2/8/07, 9/27/94

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (<http://www.dpw.lacounty.gov/gmed/manual.pdf>).
2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.
3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at <http://www.dpw.lacounty.gov/gmed/manual.pdf>).
4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).
5. The Soils Engineering review dated 1/22/09 is attached.

NOTE: A row of soldier piles has been proposed along the south property line to mitigate a calculated slope instability. These piles will be below existing grade and will not be visible upon completion of grading. Specific details of their construction will be required prior to approval of grading plans.

Prepared by  Reviewed by _____ Date 1/22/09
 Charles Nestle

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION**

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 9.1
Job Number GMPH
Sheet 1 of 1

Tentative Tract Map 34289
Location Malibu
Developer/Owner Deccan
Engineer/Architect ESCO
Soils Engineer Geolabs - Westlake Village (W.O. 8343)
Geologist Same as above

DISTRIBUTION:
 Drainage
 Grading
 Geo/Soils Central File
 District Engineer
 Geologist
 Soils Engineer
 Engineer/Architect

Review of:

Revised Tentative Parcel Map Dated by Regional Planning 8/6/08
Geotechnical and Geologic Report Dated 12/4/08, 9/3/08, 3/28/08, 1/7/08, 11/20/07, 2/8/07, 9/27/94
Previous Review Sheet Dated 12/17/08

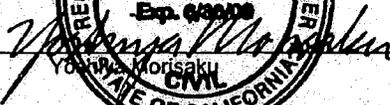
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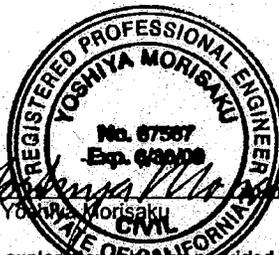
This review sheet supersedes the Soils Review Sheet dated 12/17/08.

Tentative Map feasibility is recommended for approval, subject to conditions below.

REMARKS:

- At the grading plan stage, show on the grading plans the location of the proposed row of soldier piles that will mitigate the slope instability along the southern border of the subject site. The location of the proposed soldier piles are shown on the geotechnical maps of the latest submitted soils report. All proposed mitigation measures for geotechnical hazards must be shown on the grading plans.
- At the grading plan stage, submit two sets of grading plans to the Soils Section for verification of compliance with County codes and policies.

Reviewed by  Date 1/22/09



NOTICE: Public safety, relative to geotechnical subsurface exploration, is provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.
P:\Yosh\34289TentTh

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. If the Advisory Agency does not waive the widening of Latigo Canyon Road per the subdivider's request, the subdivider shall construct inverted shoulder pavement 14 feet (lane width) and four feet (shoulder width) on Latigo Canyon Road to the satisfaction of Public Works. Grade remaining parkway/shoulder at 2 percent cross-slope within ultimate right of way. Construct off-site transition pavement on Latigo Canyon Road in the vicinity of the northerly and southerly property lines to the satisfaction of Public Works. The subdivider shall be responsible for the filing of a revised or amended tentative map to reflect these improvements as well as the payment of fees, as applicable.
2. If the Advisory Agency does not waive the widening of Latigo Canyon Road per the subdivider's request, underground all existing and new utility lines to the satisfaction of Public Works. Please contact Construction Division at (626) 458-3129 for new location of any aboveground utility structure in the parkway.
3. If the Advisory Agency does not waive street frontage requirements per the subdivider's request, the subdivider shall provide street frontage to all lots to the satisfaction of Public Works or Regional Planning. The proposed entry street shall be designed to meet public standards. The subdivider shall be responsible for filing of revised or amended tentative maps as determined by Regional Planning to reflect the new design and payment of fees if applicable.
4. Prior to final map approval, the subdivider shall enter into an agreement with the County-franchised cable TV operator (if an area is served) to permit the installation of cable in a common utility trench to the satisfaction of Public Works.
5. Install postal delivery receptacles in groups to serve two or more residential lots.



Name Allan Chan

tr34289r-rev4.doc

Phone (626) 458-4921

Date 09-08-2008

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 34289 (Rev.)

Page 1/1

TENTATIVE MAP DATED 08-06-2008
EXHIBIT "A" MAP DATED 08-06-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

Approved without conditions. There are no existing public sewer facilities within proximity of the project and the subdivider proposes to use private sewer systems. The use and installation of a private sewage system (septic system) must be approved by the Department of Health Services. Please call (626) 430-5380 for additional information and requirements.

DCP
Prepared by Allen Ma/Imelda Ng

tr34289s-rev4.doc

Phone (626) 458-4921

Date 09-02-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all lots in the land division, must be provided. The system shall include fire hydrants of the type and location as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
2. There shall be filed with the Department of Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division and that water service will be provided to each lot.
3. Easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.
4. Submit landscape and irrigation plans for open space lot in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

DR
Prepared by Lana Radle

tr34289w-rev4.doc

Phone (626) 458-4921

Date 09-02-2008



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

PP. J...e

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision: TR 34289 Map Date August 06, 2008 - Ex. A

C.U.P. Vicinity Malibu

- Fire Department Hold on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.
Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.
Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.
Where driveways extend further than 300 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.
Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.
The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.
These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.
The Fire Department has no additional requirements for this division of land.

Comments: Access as shown on the Exhibit Map is adequate. All driveway grade transitions shall be designed to comply with the Department of Public Works standards.

By Inspector: Juan C. Padilla Date September 11, 2008



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Subdivision No. TR 34289 Tentative Map Date August 06, 2008 - Ex. A

Revised Report yes

- The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.
- The required fire flow for public fire hydrants at this location is 1250 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 1 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for private on-site hydrants is _____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing _____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- Fire hydrant requirements are as follows:
- Install 2 public fire hydrant(s). Upgrade / Verify existing _____ public fire hydrant(s).
- Install _____ private on-site fire hydrant(s).
- All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- Location: As per map on file with the office.
- Other location: _____
- All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.
- The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.
- Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.
- Hydrants and fire flows are adequate to meet current Fire Department requirements.
- Upgrade not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: Per fire flow test conducted by Extreme Fire Protection and witnessed by Las Virgienes Municipal Water Co. dated 05-13-07, the existing fire hydrant on Latigo Canyon Road is adequate.
The required fire hydrants shall be installed and tested or bonded for prior to Final Map clearance.

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date September 11, 2008



LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION



PARK OBLIGATION REPORT

Tentative Map #	34289	DRP Map Date: 08/06/2008	SCM Date: / /	Report Date: 09/03/2008
Park Planning Area #	27A	MALIBU		Map Type: REV. (REV RECD)

Total Units = Proposed Units + Exempt Units

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

- 1) the dedication of land for public or private park purpose or,
- 2) the payment of in-lieu fees or,
- 3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	0.05
IN-LIEU FEES:	\$14,442

Conditions of the map approval:

The park obligation for this development will be met by:

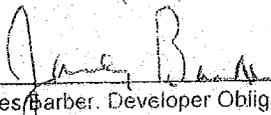
The payment of \$14,442 in-lieu fees.

Trails:

No trails.

Contact Patrocenia T. Sobrepeña, Departmental Facilities Planner I, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, California, 90020 at (213) 351-5120 for further information or an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements contact Trail Coordinator at (213) 351-5135.

By: 
James Barber, Developer Obligations/Land Acquisitions

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**LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION**



PARK OBLIGATION WORKSHEET

Tentative Map #	34289	DRP Map Date:08/06/2008	SMC Date: / /	Report Date: 09/03/2008
Park Planning Area #	27A	MALIBU		Map Type:REV. (REV RECD)

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

(P)people x (0.003) Goal x (U)nits = (X) acres obligation

(X) acres obligation x RLV/Acre = In-Lieu Base Fee

- Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.
- Goal = The subdivision ordinance allows for the goal of 3.0 acres of park land for each 1,000 people generated by the development. This goal is calculated as "0.0030" in the formula.
- U = Total approved number of Dwelling Units.
- X = Local park space obligation expressed in terms of acres.
- RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units = Proposed Units + Exempt Units

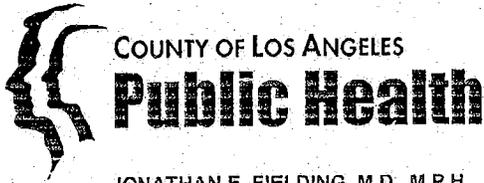
	People*	Goal 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	2.67	0.0030	6	0.05
M.F. < 5 Units	2.03	0.0030	0	0.00
M.F. >= 5 Units	1.81	0.0030	0	0.00
Mobile Units	1.47	0.0030	0	0.00
Exempt Units			0	
Total Acre Obligation =				0.05

Park Planning Area = 27A MALIBU

Goal	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.05	\$288,849	\$14,442

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
Total Provided Acre Credit:				0.00	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.05	0.00	0.00	0.05	\$288,849	\$14,442



COUNTY OF LOS ANGELES
Public Health

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

JONATHAN E. FREEDMAN
Acting Chief Deputy

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Swati Bhatt, REHS
LAND USE PROGRAM, Chief EHS
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5380 • FAX (626) 813-3016



BOARD OF SUPERVISORS

Gloria Molina
First District

Yvonne B. Burke
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

September 2, 2008

RFS No. 08-0023823

Tract Map No. 34289

Vicinity: Malibu

Tentative Tract Map Date: December 19, 2007 (3rd Revision)

The County of Los Angeles Department of Public Health's approval for Vesting Tentative Tract Map 34289 is contingent on the following provisions:

1. **Prior to Final Tract Map Approval**, a report demonstrating the feasibility of installing an onsite waste water treatment system on each parcel shall be submitted to this Department for review and approval. The report shall conform to the requirements outlined in the interim document, "Application for Approval of An Onsite Wastewater Treatment System (OWTS)." The report shall consist of soil profile excavation, exploratory boring to determine the historic high ground water mark, and percolation testing to substantiate the viability of installing onsite waste water treatment systems on each parcel. Testing on each parcel shall be in an area likely to be utilized as a disposal field. **It is the responsibility of the applicant to demonstrate to the Department that each parcel is suitable for building.** (Download handout from: http://www.lapublichealth.org/eh/docs/ep_land_use_OWTS_procedures.pdf)
2. Public sanitary sewers are not available within 200 feet of any part of the proposed subdivision and each lot is dependent upon the use of an individual onsite waste water treatment system.
3. **The applicant is advised, that in the event that the requirements of the Los Angeles County Code cannot be met on certain lots, due to future grading or for any other reason, the County of Los Angeles Department of Public Health will deny issuance of a building permit on these lots.**

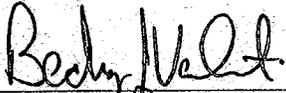
Tract Map No. 34289

4. Private Onsite Waste Water Treatment Systems shall be in compliance with the "Guidelines for Waste Disposal" from Land Development, California Regional Water Quality Board (Los Angeles Region), and the Los Angeles County Codes.
5. Potable water needs will be supplied by the Las Virgenes Municipal Water District, a public water system.

The applicant is advised that all requested documents should be identified by the tract map number and sent directly to the address below:

**County of Los Angeles Department of Public Health
Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423
Attention: Becky Valenti**

If you have any questions or need additional information, please contact me at (626) 430-5380.



Becky Valenti, E.H.S. IV
Land Use Program



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

August 15, 2007

Jodie Sackett, Regional Planning Assistant
Land Divisions Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Sackett:

OAK TREE PERMIT #2007-00011, LATIGO CANYON ROAD, MALIBU

We have reviewed the "Request for Oak Tree Permit #2007-00011." The project is located at Latigo Canyon 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 Bruce Malinowski, the consulting arborist, dated February 15, 2007.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent annual 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.

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

AGOURA HILLS
LA

BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER

BRADBURY
CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA

CUDAHY
DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLEN DORA
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

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE REMOVAL:

7. This grant allows the removal of five (5) trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 1, 2, 3, 4, and 5 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.
9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) trees for each tree removed for a total of ten (10) trees.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

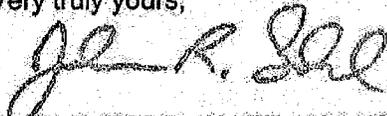
16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.

Jodie Sackett, Regional Planning Assistant
August 13, 2007
Page 4

19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



JOHN R. TODD, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JRT:ac

Enclosure

bc: Romo/ERU
@Oak Notebook
File #104
Chron

MITIGATED NEGATIVE DECLARATION

PROJECT NUMBER No. VTTM 034289

1. DESCRIPTION:

An application to subdivide the property into eight (8) lots consisting of six (6) for single-family residential use, one (1) for open space conservation and one (1) for street access to the site, proposed over 34.4 gross acres and located in Malibu. A direct access road connection is proposed from Latigo Canyon Road to serve all six residences proposed, connecting into Baller Road which will continue to serve five (5) homes beyond the proposed subdivision to the north. The access road will vary in width from 20 to 34 feet, totaling 1,620 feet in length, and an access easement shall be provided to serve the neighboring residential property to the south. Custom designed homes are proposed to be built on caissons along the natural hillsides of the property, limiting grading to 19,250 cubic yards of cut and 1,200 cubic yards of fill. An oak tree permit has been filed to remove four (4) oak trees on site in order to construct the new access driveway. An oak tree mitigation/tree replacement program is proposed to replace the trees in accordance with the Oak Woodland Conservation Act (Public Resources Code 21083.4). A Biological Constraints Analysis (BCA) was prepared for this project dated May 2008. Per California Environmental Quality Act (CEQA), project impacts to be analyzed in this document also include all off-site improvements and areas to be "retired" as a result of the creation of this subdivision as required by the Local Coastal Plan (LCP). Application also includes a Conditional Use Permit for development within a hillside management area.

2. LOCATION:

Latigo Canyon/ W. Ocean View Dr. in Malibu

3. PROPONENT:

Schmitz & Associates, Inc.
5234 Chesebro Rd., Suite 200
Agoura Hills, CA 91301

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 Impact Analysis Section, Department of Regional Planning

DATE: January 14, 2009



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

January 14, 2009

Bruce W. McClendon FAICP
Director of Planning

Mrs. Mindy Commins Wilcox
Schmitz & Associates, Inc.
5234 Chesebro Rd., Suite 200
Agoura Hills, CA 91301

SUBJECT: INITIAL STUDY DETERMINATION LETTER
Project No: VTTM 034289
Case: CUP 79-027, ROAKT 200700011

Dear Mrs. Wilcox:

On January 14, 2009, staff of the Department of Regional Planning (DRP) has completed its review of the Environmental Questionnaire and other data regarding your project and made the following determination as to the type of environmental document required.

- Use of previously prepared EIR
- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Other:
- Environmental Impact Report (EIR)

If you have any questions regarding the above determination or environmental document preparation, please contact Rudy Silvas of the Impact Analysis Section at (213) 974-6461, Monday to Thursday between 7:30 a.m. and 5:30 p.m. Our offices are closed on Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

Paul McCarthy, Supervising Regional Planner
Impact Analysis Section

BWM:PM:rs



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Bruce W. McClendon FAICP
Director of Planning

December 10, 2008

**PROJECT MITIGATION MEASURES
DUE TO ENVIRONMENTAL EVALUATION**

Project: 79-027
Case: TR 34289

The Department of Regional Planning (DRP) staff has determined that the following mitigation measures or conditions for the project are necessary to ensure that the proposed project will not cause significant impacts upon the environment.

The permittee shall deposit the sum of \$3000.00 with the Department of Regional Planning within 30 days of project approval, in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

Mitigation Measures for: Noise

1. Noise impacts during construction shall be mitigated to protect the nearby residences. In order to minimize construction noise impacts, the applicant shall implement the following mitigation measures:

A. The applicant shall comply with all applicable sections of the County of Los Angeles noise control ordinance Title 12 Environmental Protection Noise Control (i.e. construction noise). In addition, standard construction noise attenuation measures should be included but not limited to the following: 1) maintain equipment and follow the manufacturer's recommended noise muffling devices; 2) minimize equipment idling; 3) staging and delivery areas should be located as far as feasible from nearby residences and schedule deliveries during mid-day or mid morning; and 4) to the extent feasible, utilize electrical powered tools or equipment instead of diesel powered equipment for exterior work.

B. During grading and earth material hauling activities, work is prohibited on any Sunday or legal holiday, and it is suggested that such work be prohibited at any other time between the weekday hours of 6:00 p.m. and 8:00 a.m. (ordinance indicates construction work prohibited between 7:00 p.m. and 7:00 a.m.), except for emergency work of public service utilities or by variance issued by the health officer. "Grading" means any excavating or filling of earth material or any combination thereof conducted at a site for construction or other improvements thereon. Emergency work means any work performed for the purpose of presenting or alleviating the physical trauma or property damage threatened or caused by an emergency.

Mitigation Measures for: **Air Quality**

2. All off-road diesel powered engines used during construction and any excavation/grading phases must utilize aqueous diesel fuels.

3. The Project Developer/General Contractors shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site throughout the project construction phases. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

- Keep all construction equipment in proper tune in accordance with manufacturer's specifications.
- Use late model heavy-duty diesel-powered equipment at the Project Site to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks).
- Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at the Project Site to the extent that it is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment). (This measure does not apply to diesel-powered trucks traveling to and from the site.)
- Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment).
- Limit truck and equipment idling time to five minutes or less.
- Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.
- To further reduce PM10 and PM2.5 emissions during mass grading, fine grading, and trenching activities, material handling equipment (e.g., graders, rubber tired dozers, tractors/loaders/backhoes, excavators, scrapers, and water trucks) shall be equipped with a Diesel Particulate Filter (DPF) in a manner to ensure operability and efficiency.
- To further reduce NOx emissions during mass grading, fine grading, and trenching activities, material handling equipment (e.g., graders, rubber tired dozers, tractors/loaders/backhoes, excavators, scrapers) shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 30 percent minimum as feasible.
- To further reduce NOx emissions during mass grading, fine grading, and trenching activities, material handling equipment, water trucks shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 25 percent minimum as feasible.

- To further reduce PM10 and PM2.5 emissions during paving activities, pavers, rollers, and other paving equipment shall be equipped with a DPF in a manner to ensure operability and efficiency.
 - To further reduce NOx emissions during paving activities, pavers, rollers, and other paving equipment shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 35 percent minimum as feasible.
 - To further reduce PM10 and PM2.5 emissions during construction activities, equipment such as cranes, forklifts, generator sets, tractors/dozers/backhoes, and welders shall be equipped with a DPF in a manner to ensure operability and efficiency.
 - To further reduce NOx emissions during construction activities, equipment such as cranes, forklifts, generator sets, tractors/dozers/backhoes, and welders shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 35 percent minimum as feasible.
4. The Project Developer/General Contractors shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required include the following:
- Apply dust suppressants (e.g., polymer emulsion) to actively disturbed areas upon completion of clearing and grading.
 - Replace ground cover in disturbed areas as quickly as possible.
 - Water disturbed sites two times daily (locations where grading is to occur will be thoroughly watered prior to earth moving).
 - All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches.
 - Traffic speeds on all unpaved roads shall be reduced to 15 mph or less during construction.
 - During construction, trucks and vehicles in loading and unloading queues would turn their engines off when not in use to reduce vehicle emissions; all construction vehicles shall be prohibited from idling in excess of 5 minutes, both on and off site.
 - Require minimum soil moisture of 12 percent for earthmoving by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe.
 - Construction emissions will be scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.
 - General contractors shall maintain and operate construction equipment to minimize exhaust emissions; all construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
 - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour over a 30-minute period or more.
 - An information sign shall be posted at each entrance to the construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.

- Heavy construction equipment should be kept on-site when not in operation to minimize exhaust emissions associated with vehicles repetitiously entering and exiting the project site.

5. For slope areas with gradients in exceedance of three (3) feet, any intended vegetative groundcover shall be implemented as soon as practical after completion of earth-moving operations to minimize fugitive dust and to provide for effective soil stabilization. Activate the irrigation systems necessary to water and maintain the aforementioned vegetative groundcover as soon as feasible. It is not the intent of this mitigation measure to require the planting or irrigation of building pads or other development areas upon which subsequent development activities are pending.

Mitigation Measures for: **Biota**

6. As mitigation for impacts to the native flora and fauna habitat of the site, the applicant shall implement the measures prepared by the Department of Regional Planning and the Los Angeles County Environmental Review Board (ERB) to reduce the project's impacts to less than significant.

A. Oak tree woodland must be restored following removal of oak trees for construction purposes. Restoration of oak tree woodland must be in compliance with the Oak Woodland Conservation Act (Public Resources Code Section 21083.4). The oak tree mitigation plan implemented shall be that approved by the Senior Biologist of the Department of Regional Planning and the County Forester.

B. Oak trees shall not be used for fuel modification areas. A fuel modification/landscape plan must be approved by both Regional Planning and the Fire Department.

C. The fuel modification plan shall consist of the slope landscaping in the fuel modification areas, and should be a mosaic planting of deep rooted perennial natives that will hold the soil together. Local native plants shall be primarily used for landscaping, but should not consist of chamise or sage which are flammable. Non-invasive ornamental groundcovers should be limited to the area immediately surrounding the residence (i.e. Zone A). Drought tolerant plants shall be utilized in the landscaping as well, avoiding plants that require too much watering and attract invasive Argentine Ants. Argentine Ants wreak havoc on the ecosystem, destroying the food chain for native animals such as the Horned Lizard. The applicant may refer to the California Native Plant Society (CNPS) website at <http://www.cnps.org/>, and the applicant may also refer to the Los Angeles County Fire List at <http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp> for the selection of native/drought resistant non flammable plants suitable for the fuel medication plan and plant palette.

D. The fuel modification plan must show its zone with the following dimensions:

- Zone A: 20 feet wide; irrigated; non-invasive ground covers (may be ornamental).
- Zone B: 30 feet wide beyond Zone A; irrigated with non-invasive ground covers, native plants, deep-rooted perennials. And some well-spaced shrubs and trees (may be ornamental).
- Zone C: 150 feet wide beyond Zone B out to 200 feet from structure (does not extend beyond property line on to neighboring property), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

Zones A & B must be defensible staging areas for fire fighting. In preparing Zone C, implement the

following for fuel modification:

- Retain as many non-sprouting species as possible (They usually have a single trunk). Remove as few as possible of this type. Do not cut off the trunk in pruning, as this kills the plant.
- Choose multiple-trunked, resprouting species for removal over non-sprouters. The multiple-trunked remaining shrubs should be pruned in a staggered, clumped pattern on a staggered schedule, allowing 2-3 years between prunings for any one clump. The resprouting species should be pruned to near ground level.

At least ten (10) feet of brush clearance is needed along the sides of the access road. Vegetation may be allowed in some steep areas to hold the road in place.

E. The landscape plan shall identify and show all native and non-native vegetation on the site that is to remain (i.e. non-native grassland/ruderal vegetation, mixed chaparral, southern willow scrub, chaparral ragwort, Coast live oaks). The landscape plan shall also depict the revegetation program for all graded areas not utilized for improvements or structures. Refer to the source for the type of plant species for revegetation indicated above under measure 5 (A)(3).

F. Local native plant species shall be utilized in all open space revegetation efforts. All onsite and offsite open space areas shall be buffered in a manner to discourage additional encroachment by the new inhabitants. Deed restrictions prohibiting the use of off road vehicles and limiting trail access shall be developed with the intent of protecting the open space from these potentially adverse influences.

G. The deed restriction shall be developed on the conservation parcel to restrict brush clearance to the amount required for compliance with the mandated 200-foot brush clearance zone of the County Fire Department, and in no event outside the allowable area of development as specified by the California Coastal Commission.

H. Prior to the transmittal of the permit, the applicant as landowner shall map and record either an Open Space deed restriction or easement acceptable to Regional Planning, prior to recordation of the Final Map, which provides that the portion of the applicant's property generally depicted on the enclosed Open Space Exhibit will be precluded from future development and preserved for open space and habitat protection. The restriction shall restrict the applicant or his successor in interest from grading, landscaping, and vegetation removal.

I. Structures to be no less than 200 feet from the Environmentally Sensitive Habitat Area (ESHA), which is designated as an overlay along Latigo Canyon Creek as mapped under the 1986 Malibu Local Coastal Plan.

J. All means possible shall be utilized to protect all special status animal species present or which have the potential to exist on the site (i.e. the American badger, Cooper's hawk, southern California rufouscrowned sparrow, golden eagle, coastal western whiptail, California mountain kingsnake, San Diego horned lizard, coast horned lizard). Although not formally designated as special status species, but listed under the State Fish and Game's Natural Heritage Division's Natural Diversity Data Base (NDDDB), the San Bernardino ringneck snake, Gertsch's socialchemmis spider and the Santa Monica grasshopper also merit attention.

K. The grading plan for the project shall be reviewed by the Senior Biologist of Regional Planning prior to approval for analysis guidance to minimize the impacts of the project on wildlife. All changes or revisions to the grading plan must be reviewed by the Senior Biologist as well.

L. Prior to grading, a qualified biologist shall be retained by the applicant as the biological monitor subject to the approval of the County of Los Angeles. That person shall ensure that impacts to biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct

pre-grading field surveys for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. During earthmoving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading activities if violations of mitigation measures or any local, state, or federal laws are suspected.

M. The drainage concept shall also be reviewed by the Senior Biologist at Regional Planning to ensure that all drainage related to the project will be directed to the southern part of the subdivision and away from the Latigo Canyon wash (i.e. ESHA). The drainage plan should demonstrate that it will capture 100 percent of the first ¾ inches of storm water runoff and that it will use vegetative swales headed by 3-4 foot filters capable of filtering motor oil; these will be maintained yearly by a maintenance contract.

N. In order to ensure protection of raptorial birds that may forage on the site, the developer shall consult with CDFG prior to the issuance of any grading permits for potential impacts to State listed species and any salvage and relocation plans for special status plant or wildlife species. In order to ensure protection of these birds, as well as other Migratory nongame native bird species that are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), of which Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit the take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA), the developer shall ensure that if project activities cannot feasibly avoid the breeding bird season, then beginning thirty days prior to the disturbance of a suitable nesting habitat the developer/project proponent will arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. The developer shall record the results of the surveys and recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

O. Any temporary or permanent fencing or sign posts shall be of a type that does not inadvertently snare perching birds, especially raptors. In an effort to eliminate the potential of snaring, fence and sign posts shall be of a type either lacking bolt holes near the top of the post or shall have the holes filled with a nut and bolt. The applicant shall limit the amount of barriers for the Project Site to the greatest extent possible. Any barriers constructed for the project will not impede any north-south wildlife movement through the preserved and revegetated areas within the Project Site.

P. Chainlink/closed style fencing shall be limited to that necessary to enclose yard areas within the building pad areas or around the proposed residences inner yard areas, not on the perimeters.

Q. In order to avoid impacts to nighttime wildlife activities, exterior night lighting shall be directed downward onto the property, of low intensity, at low height and shielded to prevent illumination of surrounding properties and undeveloped areas; security lighting, if any is used, shall be on a motion detector.

R. Anticoagulants are not to be used as a method of rodent control.

Mitigation Measures for: **Drainage and Grading**

7. The requirements for an approved drainage concept and grading plan will be necessary for any grading proposed. The plans must be reviewed and approved to the satisfaction of Public Works, prior to the issuance of any grading and building permits. All development and redevelopment projects, which fall into one of the Standard Urban Stormwater Mitigation plans project types, characteristics, or activities, must obtain Standard Urban Stormwater Mitigation Plans approval by the appropriate agency.

8. A geotechnical report shall also be reviewed and approved by Public Works prior to the issuance of a grading permit.

9. The applicant shall comply with all requirements of the County Code and the Subdivision Committee which mitigate potential impacts due to geotechnical and hydrological characteristics of the project site as identified in the Initial Study. This shall be ensured and monitored through the filing of the appropriate development permits with the Department of Public Works.

10. The applicant shall comply with all requirements of the County Health Department and Subdivision Committee which mitigate potential impacts on water quality as identified in the Initial Study. Prior to approval of this project the applicant shall obtain a permit or waiver by the Regional Water Quality Control Board ensuring their approval. The written approval shall be submitted along with the application for a building permit to the Department of Public Works as well as to the Health Services Department. Implementation shall be ensured by inspectors of these respective departments.

11. The applicant shall contact the State of California Department of Fish and Game for instructions on their review of the drainage concept and grading plan, and obtainment of a Streambed Alteration Agreement if necessary. Review and approval of the plan is required prior to any issuance of grading permits by Public Works.

Mitigation Measures for: **Open Space and Parks**

12. The applicant shall settle with the Los Angeles County Department of Parks and Recreation the requirements for the developer's Quimby obligation for the project of in-lieu fees of \$16,781 (in lieu of the 0.06 acre obligation),

13. Seventy (70) percent of the total area to be subdivided will be deed restricted as open space.

Mitigation Measures for: **Archaeological and Cultural Resources**

14. In order to ensure that potentially significant resources will not be impacted by the project, the applicant shall coordinate the arrangement with the Senior Biologist of the Department of Regional for a certified archaeologist to conduct a Phase I archaeological survey. The results of the survey and the implementation plan for measures shall be reviewed by the Departments of Regional Planning and Public Works, the local Native American Tribal Representative and the applicant.

15. Final implementation measures shall be that approved by the Departments of Regional Planning and Public Works, and the Local Native American Tribal Representative.

16. Homes will be designed to minimize landform alteration. Building materials shall be reflective of surrounding natural earth tone colors.

17. Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5 – 3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If the Department of Public Works (DPW) requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.

Mitigation Measures for: **Traffic**

18. Construction vehicles are not to be parked along Latigo Canyon Road.

19. The Traffic and Lighting Division of DPW shall review and approve, or modify and approve, the primary entrance to the site from Latigo Canyon Road. Of primary concern is the need for safety due to line of sight impediments present near the proposed entrance point to the site.

20. The County Fire Department and DPW shall review and approve the proposed access easement for the neighbor to the south to ensure safety of access for emergency vehicles.

Mitigation Measures for: **Library Services**

21. The applicant will be required to pay the County's library facilities mitigation fee at the time the building permits for the project (i.e. future residences) are issued. The proposed project is located in the Library's Planning Area 7 (Santa Monica Mountains).

Mitigation Measures for: **Emergency Services**

22. The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in effect at the time of building permit issuance then this mitigation measure will be required.

Mitigation Measures for: **Mitigation Compliance**

23. As a means of ensuring compliance of all above mitigation measures, the applicant is responsible for submitting an annual mitigation compliance report to the DRP for review and responsible for replenishing the mitigation monitoring account, if necessary, until such time as all mitigation measures have been implemented and completed.

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by a Hearing Officer or the Planning Commission will be on the project as changed/conditioned.

Chidumala Meddy
Applicant

12-11-08
Date

No response within 10 days. Environmental Determination requires that these changes/conditions be included in the project.

Staff

Date

DEC 17 2008

MITIGATION MONITORING PROGRAM
PROJECT NO. 79-027, TRACT NO. 34289

Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>Noise</p> <p>1. Noise impacts during construction shall be mitigated to protect the nearby residences. In order to minimize construction noise impacts, the applicant shall implement the following mitigation measures:</p> <p>A. The applicant shall comply with all applicable sections of the County of Los Angeles noise control ordinance Title 12 Environmental Protection Noise Control (i.e. construction noise). In addition, standard construction noise attenuation measures should be included but not limited to the following: 1) maintain equipment and follow the manufacturer's recommended noise muffling devices; 2) minimize equipment idling; 3) staging and delivery areas should be located as far as feasible from nearby residences and schedule deliveries during mid-day or mid morning; and 4) to the extent feasible, utilize electrical powered tools or equipment instead of diesel powered equipment for exterior work.</p> <p>B. During grading and earth material hauling activities, work is prohibited on any Sunday or legal holiday, and it is suggested that such work be prohibited at any other time between the weekday hours of 6:00 p.m. and 8:00 a.m. (ordinance indicates construction work prohibited between 7:00 p.m. and 7:00 a.m.), except for emergency work of public service utilities or by variance issued by the health officer. "Grading" means any excavating or filling of earth material or any combination thereof conducted at a site for construction or other improvements thereon. Emergency work means any work performed for the purpose of presenting or alleviating the physical trauma or property damage threatened or caused by an emergency.</p> <p>Air Quality</p> <p>2. All off-road diesel powered engines used during construction and any excavation/grading phases must utilize aqueous diesel fuels.</p> <p>3. The Project Developer/General Contractors shall implement measures to reduce the emissions of</p>	<p>Payment for implementation of noise mitigation measures to be paid prior to commencement of construction.</p>	<p>Monitoring to occur during construction.</p>	<p>Applicant</p>	<p>Los Angeles County Departments of Regional Planning, Public Works, and Public Health</p>
<p>Payment for implementation of air quality management measures to be paid prior to commencement of construction.</p>	<p>Monitoring to occur during construction.</p>	<p>Applicant</p>	<p>Los Angeles County Departments of Regional Planning, Public Works, and SCAQMD</p>	

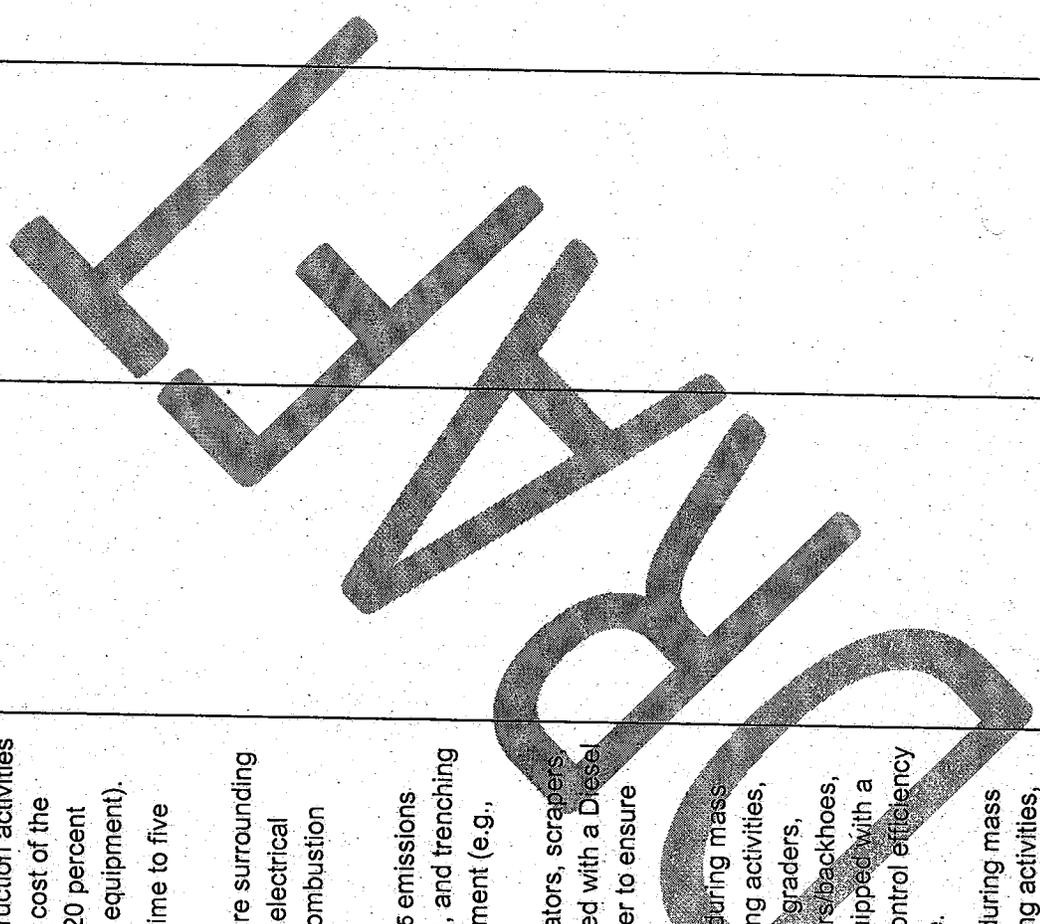
MITIGATION MONITORING PROGRAM
PROJECT NO. 79-027, TRACT NO. 34289

Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site throughout the project construction phases. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:</p> <ul style="list-style-type: none"> • Keep all construction equipment in proper tune in accordance with manufacturer's specifications. • Use late model heavy-duty diesel-powered equipment at the Project Site to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks). • Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at the Project Site to the extent that it is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment). (This measure does not apply to diesel-powered trucks traveling to and from the site.) • Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost 				

DRAFT

MITIGATION MONITORING PROGRAM
 PROJECT NO. 79-027, TRACT NO. 34289

Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment).</p> <ul style="list-style-type: none"> • Limit truck and equipment idling time to five minutes or less. • Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible. • To further reduce PM₁₀ and PM_{2.5} emissions during mass grading, fine grading, and trenching activities, material handling equipment (e.g., graders, rubber tired dozers, tractors/loaders/backhoes, excavators, scrapers and water trucks) shall be equipped with a Diesel Particulate Filter (DPF) in a manner to ensure operability and efficiency. • To further reduce NO_x emissions during mass grading, fine grading, and trenching activities, material handling equipment (e.g., graders, rubber tired dozers, tractors/loaders/backhoes, excavators, scrapers) shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 30 percent minimum as feasible. • To further reduce NO_x emissions during mass grading, fine grading, and trenching activities, material handling equipment, water trucks shall be equipped with a Diesel Oxidation Catalyst with 				



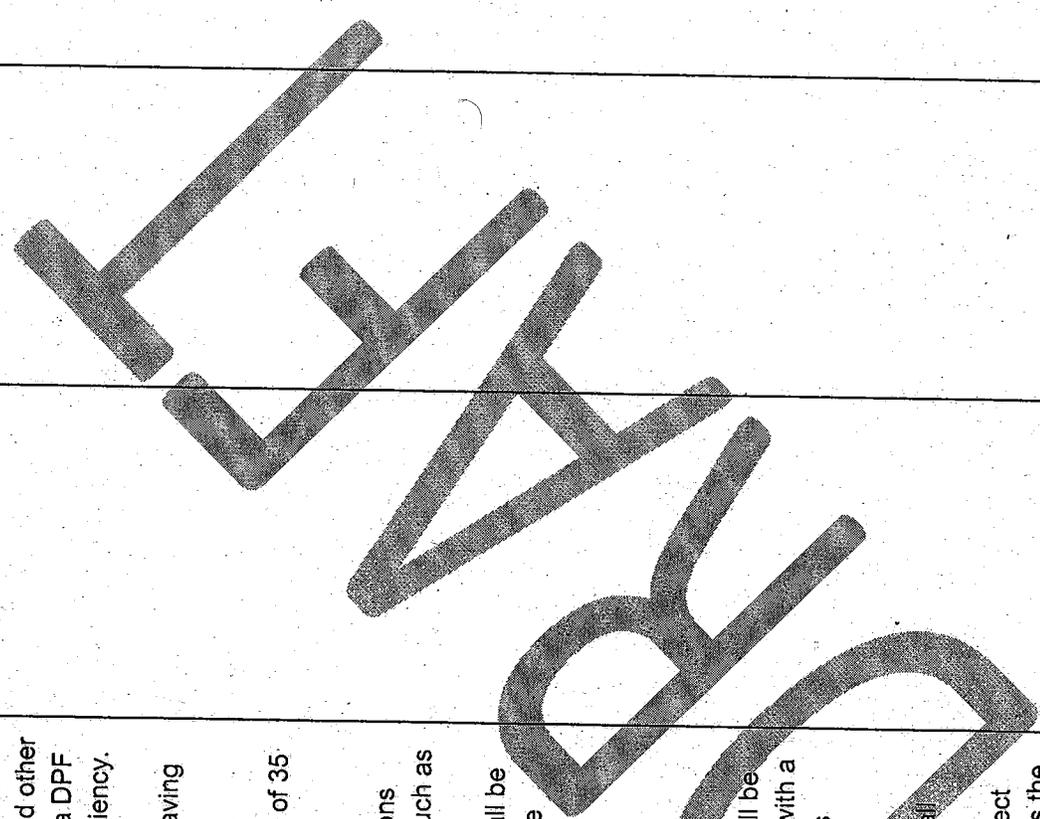
MITIGATION MONITORING PROGRAM
 PROJECT NO. 79-027, TRACT NO. 34289

Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
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a control efficiency of 25 percent minimum as feasible.

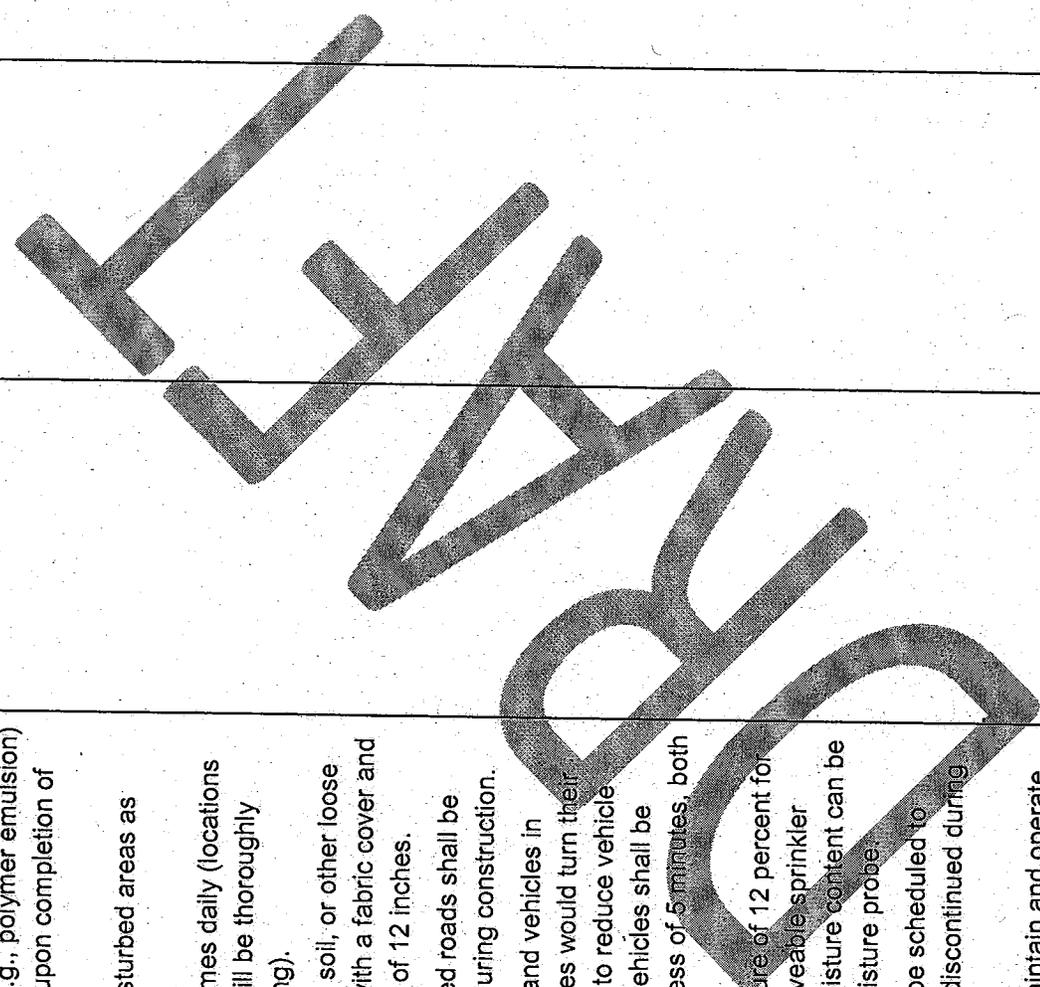
- To further reduce PM₁₀ and PM_{2.5} emissions during paving activities, pavers, rollers, and other paving equipment shall be equipped with a DPF in a manner to ensure operability and efficiency.
- To further reduce NO_x emissions during paving activities, pavers, rollers, and other paving equipment shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 35 percent minimum as feasible.
- To further reduce PM₁₀ and PM_{2.5} emissions during construction activities, equipment such as cranes, forklifts, generator sets, tractors/dozers/backhoes, and welders shall be equipped with a DPF in a manner to ensure operability and efficiency.
- To further reduce NO_x emissions during construction activities, equipment such as cranes, forklifts, generator sets, tractors/dozers/backhoes, and welders shall be equipped with a Diesel Oxidation Catalyst with a control efficiency of 35 percent minimum as feasible.

4. The Project Developer/General Contractors shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The Project Developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of



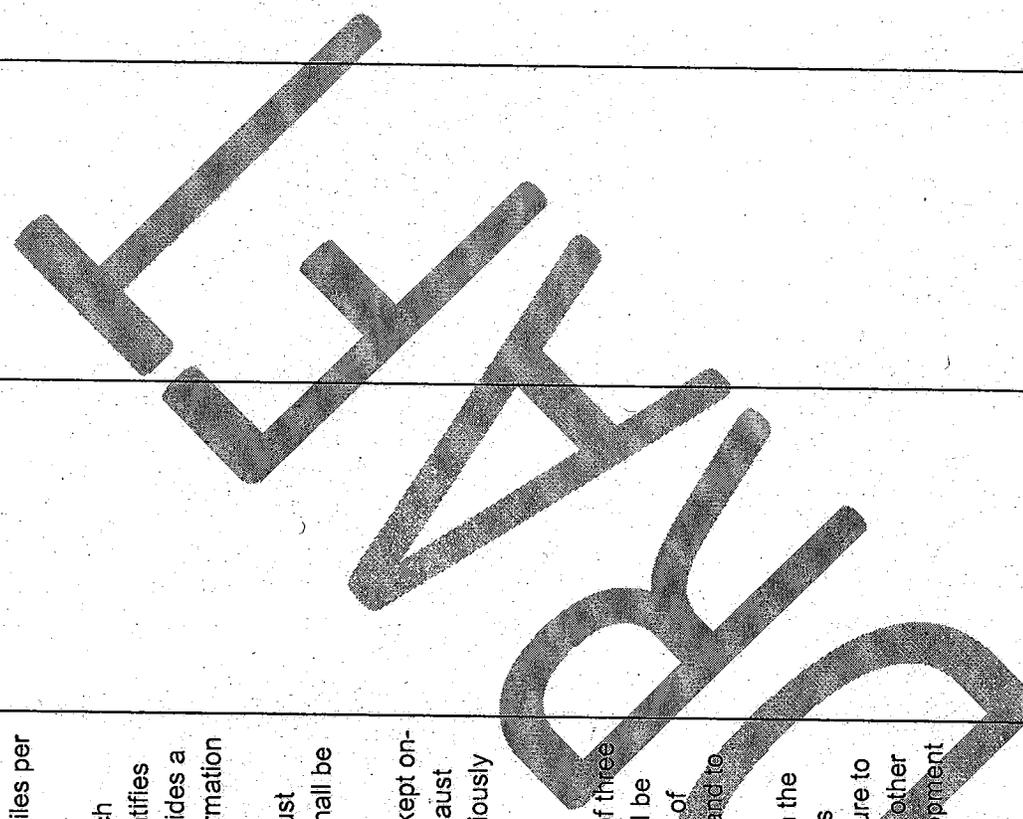
MITIGATION MONITORING PROGRAM
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<p>the types of measures currently required include the following:</p> <ul style="list-style-type: none"> • Apply dust suppressants (e.g., polymer emulsion) to actively disturbed areas upon completion of clearing and grading. • Replace ground cover in disturbed areas as quickly as possible. • Water disturbed sites two times daily (locations where grading is to occur will be thoroughly watered prior to earth moving). • All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches. • Traffic speeds on all unpaved roads shall be reduced to 15 mph or less during construction. • During construction, trucks and vehicles in loading and unloading queues would turn their engines off when not in use to reduce vehicle emissions; all construction vehicles shall be prohibited from idling in excess of 5 minutes, both on and off site. • Require minimum soil moisture of 12 percent for earthmoving by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe. • Construction emissions will be scheduled to avoid emissions peaks and discontinued during second-stage smog alerts. • General contractors shall maintain and operate construction equipment to minimize exhaust emissions; all construction equipment shall be 				



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<p>properly tuned and maintained in accordance with manufacturer's specifications.</p> <ul style="list-style-type: none"> • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour over a 30-minute period or more. • An information sign shall be posted at each entrance to the construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt. • Heavy construction equipment should be kept on-site when not in operation to minimize exhaust emissions associated with vehicles repetitiously entering and exiting the project site. <p>5. For slope areas with gradients in exceedance of three (3) feet, any intended vegetative groundcover shall be implemented as soon as practical after completion of earth-moving operations to minimize fugitive dust and to provide for effective soil stabilization. Activate the irrigation systems necessary to water and maintain the aforementioned vegetative groundcover as soon as feasible. It is not the intent of this mitigation measure to require the planting or irrigation of building pads or other development areas upon which subsequent development activities are pending.</p>				
Biota				



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Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>6. As mitigation for impacts to the native flora and fauna habitat of the site, the applicant shall implement the measures prepared by the Department of Regional Planning and the Los Angeles County Environmental Review Board (ERB) to reduce the project's impacts to less than significant.</p> <p>A. Oak tree woodland must be restored following removal of oak trees for construction purposes. Restoration of oak tree woodland must be in compliance with the Oak Woodland Conservation Act (Public Resources Code Section 21083.4). The oak tree mitigation plan implemented shall be that approved by the Senior Biologist of the Department of Regional Planning and the County Forester.</p> <p>B. Oak trees shall not be used for fuel modification areas. A fuel modification/landscape plan must be approved by both Regional Planning and the Fire Department.</p> <p>C. The fuel modification plan shall consist of the slope landscaping in the fuel modification areas, and should be a mosaic planting of deep rooted perennial natives that will hold the soil together. Local native plants shall be primarily used for landscaping, but should not consist of chamise or sage which are flammable. Non-invasive ornamental groundcovers should be limited to the area immediately surrounding the residence (i.e. Zone A). Drought tolerant plants shall be utilized in the landscaping as well, avoiding plants that require too much watering and attract invasive Argentine Ants. Argentine Ants wreak havoc on the ecosystem, destroying the food chain for native animals such as the Horned Lizard. The applicant may refer to the California Native Plant Society (CNPS) website at http://www.cnps.org/, and the applicant may also refer to the Los Angeles County Fire List at http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp for the selection of native/drought resistant non flammable plants suitable for the fuel</p>	<p>Payment for implementation of biological protective mitigation measures to be paid prior to commencement of construction.</p>	<p>Monitoring to occur during construction.</p>	<p>Applicant</p>	<p>Los Angeles County Departments of Regional Planning, Public Works, Fire Department, State Department of Fish and Game and California Coastal Commission..</p>

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medication plan and plant palette.

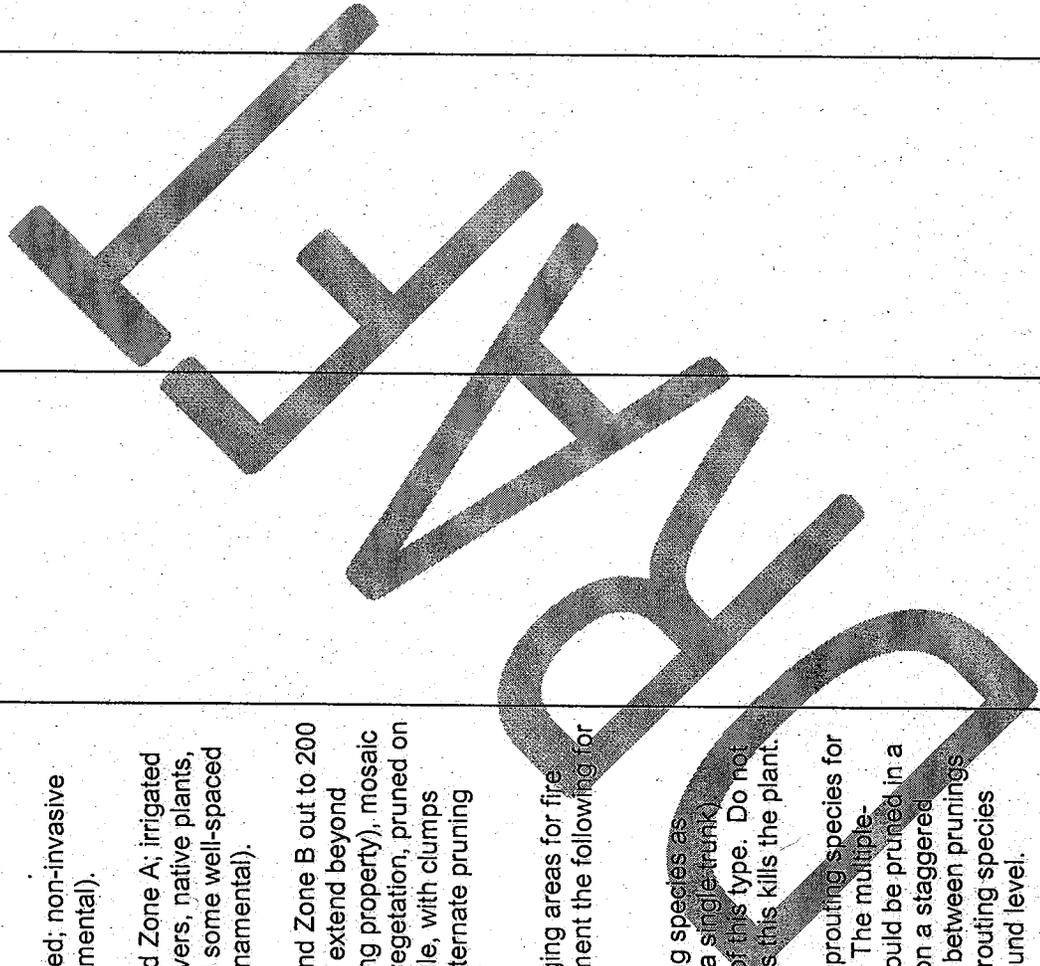
D. The fuel modification plan must show its zone with the following dimensions:

- Zone A: 20 feet wide; irrigated; non-invasive ground covers (may be ornamental).
- Zone B: 30 feet wide beyond Zone A; irrigated with non-invasive ground covers, native plants, deep-rooted perennials. And some well-spaced shrubs and trees (may be ornamental).
- Zone C: 150 feet wide beyond Zone B out to 200 feet from structure (does not extend beyond property line on to neighboring property); mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

Zones A & B must be defensible staging areas for fire fighting. In preparing Zone C, implement the following for fuel modification:

- Retain as many non-sprouting species as possible (They usually have a single trunk). Remove as few as possible of this type. Do not cut off the trunk in pruning, as this kills the plant.
- Choose multiple-trunked, resprouting species for removal over non-sprouters. The multiple-trunked remaining shrubs should be pruned in a staggered, clumped pattern on a staggered schedule, allowing 2-3 years between prunings for any one clump. The resprouting species should be pruned to near ground level.

At least ten (10) feet of brush clearance is needed along the sides of the access road. Vegetation may be allowed



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in some steep areas to hold the road in place.

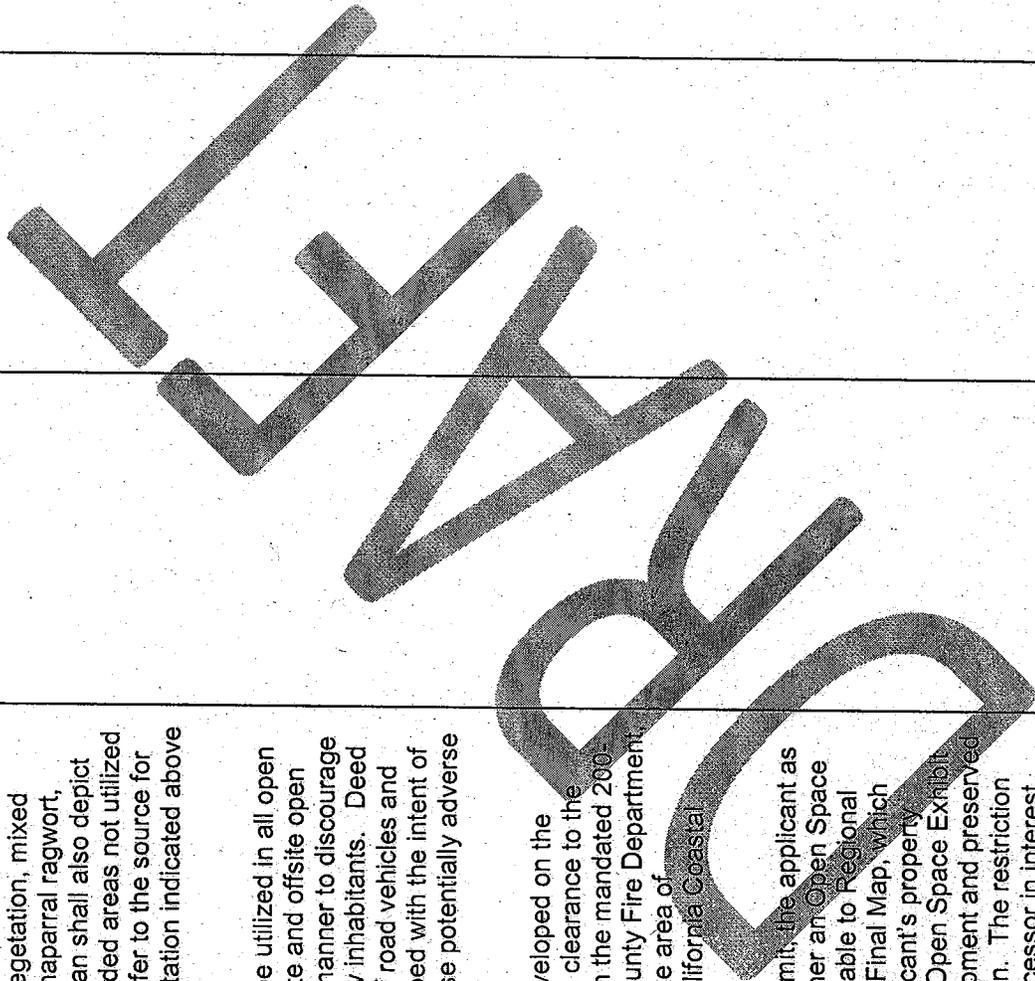
E. The landscape plan shall identify and show all native and non-native vegetation on the site that is to remain (i.e. non-native grassland/ruderal vegetation, mixed chaparral, southern willow scrub, chaparral ragwort, Coast live oaks). The landscape plan shall also depict the revegetation program for all graded areas not utilized for improvements or structures. Refer to the source for the type of plant species for revegetation indicated above under measure 5 (A)(3).

F. Local native plant species shall be utilized in all open space revegetation efforts. All onsite and offsite open space areas shall be buffered in a manner to discourage additional encroachment by the new inhabitants. Deed restrictions prohibiting the use of off road vehicles and limiting trail access shall be developed with the intent of protecting the open space from these potentially adverse influences.

G. The deed restriction shall be developed on the conservation parcel to restrict brush clearance to the amount required for compliance with the mandated 200-foot brush clearance zone of the County Fire Department and in no event outside the allowable area of development as specified by the California Coastal Commission.

H. Prior to the transmittal of the permit, the applicant as landowner shall map and record either an Open Space deed restriction or easement acceptable to Regional Planning, prior to recordation of the Final Map, which provides that the portion of the applicant's property generally depicted on the enclosed Open Space Exhibit will be precluded from future development and preserved for open space and habitat protection. The restriction shall restrict the applicant or his successor in interest from grading, landscaping, and vegetation removal.

I. Structures to be no less than 200 feet from the



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<p>Environmentally Sensitive Habitat Area (ESHA), which is designated as an overlay along Latigo Canyon Creek as mapped under the 1986 Malibu Local Coastal Plan.</p>	<p>J. All means possible shall be utilized to protect all special status animal species present or which have the potential to exist on the site (i.e. the American badger, Cooper's hawk, southern California rufous-crowned sparrow, golden eagle, coastal western whiptail, California mountain kingsnake, San Diego horned lizard, coast horned lizard). Although not formally designated as special status species, but listed under the State Fish and Game's Natural Heritage Division's Natural Diversity Data Base (NDDDB), the San Bernardino ringneck snake, Gertsch's socialchemmis spider and the Santa Monica grasshopper also merit attention.</p>			
	<p>K. The grading plan for the project shall be reviewed by the Senior Biologist of Regional Planning prior to approval for analysis guidance to minimize the impacts of the project on wildlife. All changes or revisions to the grading plan must be reviewed by the Senior Biologist as well.</p>			
	<p>L. Prior to grading, a qualified biologist shall be retained by the applicant as the biological monitor subject to the approval of the County of Los Angeles. That person shall ensure that impacts to biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct pre-grading field surveys for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. During earthmoving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading activities if violations of mitigation measures or any local, state, or federal laws are suspected.</p>			

DRAFT

MITIGATION MONITORING PROGRAM
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Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>M. The drainage concept shall also be reviewed by the Senior Biologist at Regional Planning to ensure that all drainage related to the project will be directed to the southern part of the subdivision and away from the Latigo Canyon wash (i.e. ESHA). The drainage plan should demonstrate that it will capture 100 percent of the first ¾ inches of storm water runoff and that it will use vegetative swales headed by 3-4 foot filters cable of filtering motor oil; these will be maintained yearly by a maintenance contract.</p>				
<p>N. In order to ensure protection of raptorial birds that may forage on the site, the developer shall consult with CDFG prior to the issuance of any grading permits for potential impacts to State listed species and any salvage and relocation plans for special status plant or wildlife species. In order to ensure protection of these birds, as well as other Migratory nongame native bird species that are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), of which Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit the take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA), the developer shall ensure that if project activities cannot feasibly avoid the breeding bird season, then beginning thirty days prior to the disturbance of a suitable nesting habitat the developer/project proponent will arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable</p>				

FOR REVIEW

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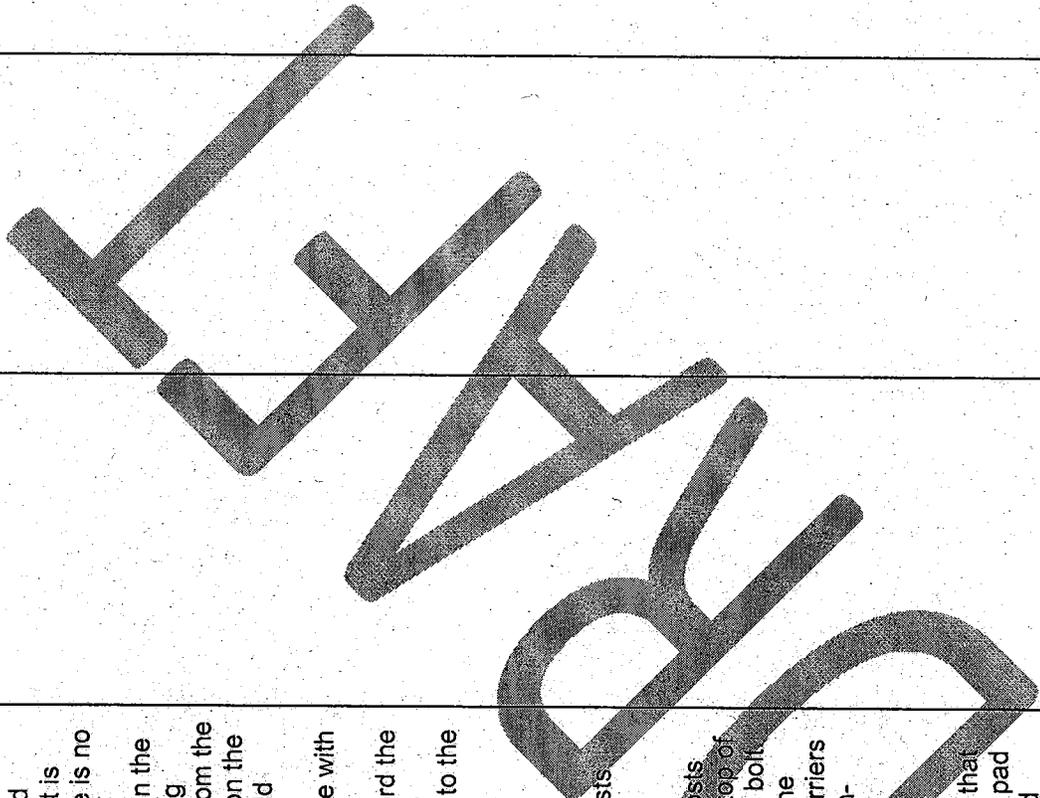
Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
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raptor nesting habitat) until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. The developer shall record the results of the surveys and recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

O. Any temporary or permanent fencing or sign posts shall be of a type that does not inadvertently snare perching birds, especially raptors. In an effort to eliminate the potential of snaring, fence and sign posts shall be of a type either lacking bolt holes near the top of the post or shall have the holes filled with a nut and bolt. The applicant shall limit the amount of barriers for the Project Site to the greatest extent possible. Any barriers constructed for the project will not impede any north-south wildlife movement through the preserved and revegetated areas within the Project Site.

P. Chainlink/closed style fencing shall be limited to that necessary to enclose yard areas within the building pad areas or around the proposed residences inner yard areas, not on the perimeters.

Q. In order to avoid impacts to nighttime wildlife



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Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>activities, exterior night lighting shall be directed downward onto the property, of low intensity, at low height and shielded to prevent illumination of surrounding properties and undeveloped areas; security lighting, if any is used, shall be on a motion detector.</p> <p>R. Anticoagulants are not to be used as a method of rodent control.</p>				
<p>Drainage and Grading</p> <p>7. The requirements for an approved drainage concept and grading plan will be necessary for any grading proposed. The plans must be reviewed and approved to the satisfaction of Public Works, prior to the issuance of any grading and building permits. All development and redevelopment projects, which fall into one of the Standard Urban Stormwater Mitigation plans project types, characteristics, or activities, must obtain Standard Urban Stormwater Mitigation Plans approval by the appropriate agency.</p>	<p>Payment for implementation of protective mitigation measures to be paid prior to commencement of construction.</p>	<p>Monitoring to occur prior to issuance of grading permits.</p>	<p>Applicant</p>	<p>Los Angeles County Departments Regional Planning, Public Works, and State Department of Fish and Game.</p>
<p>8. A geotechnical report shall also be reviewed and approved by Public Works prior to the issuance of a grading permit.</p>				
<p>9. The applicant shall comply with all requirements of the County Code and the Subdivision Committee which mitigate potential impacts due to geotechnical and hydrological characteristics of the project site as identified in the Initial Study. This shall be ensured and monitored through the filing of the appropriate development permits with the Department of Public Works.</p>				
<p>10. The applicant shall comply with all requirements of the County Health Department and Subdivision Committee which mitigate potential impacts on water quality as identified in the Initial Study. Prior to approval of this project the applicant shall obtain a permit or waiver by the Regional Water Quality Control Board ensuring their approval. The written approval shall be submitted along with the application for a building permit to the</p>				

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Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
Department of Public Works as well as to the Health Services Department. Implementation shall be ensured by inspectors of these respective departments.				
11. The applicant shall contact the State of California Department of Fish and Game for instructions on their review of the drainage concept and grading plan, and obtainment of a Streambed Alteration Agreement if necessary. Review and approval of the plan is required prior to any issuance of grading permits by Public Works.				
Open Space and Parks				
12. The applicant shall settle with the Los Angeles County Department of Parks and Recreation the requirements for the developer's Quimby obligation for the project of in-lieu fees of \$16,781 (in lieu of the 0.06 acre obligation).	Payment for implementation of protective mitigation measures to be paid prior to commencement of grading.	Monitoring to occur prior to issuance of grading permits and upon completion of all construction.	Applicant	Los Angeles County Departments of Regional Planning, Parks and Recreation
13. Seventy (70) percent of the total area to be subdivided will be deed restricted as open space.				
Archaeological and Cultural Resources				
14. In order to ensure that potentially significant resources will not be impacted by the project, the applicant shall coordinate the arrangement with the Senior Biologist of the Department of Regional for a certified archaeologist to conduct a Phase I archaeological survey. The results of the survey and the implementation plan for measures shall be reviewed by the Departments of Regional Planning and Public Works, the local Native American Tribal Representative and the applicant.	Payment for implementation of protective mitigation measures to be paid prior to commencement of grading.	Monitoring to occur prior to issuance of grading permits and upon completion of all construction.	Applicant	Los Angeles County Departments of Regional Planning, Public Works, Local Native American Tribal Representative
15. Final implementation measures shall be that approved by the Departments of Regional Planning and Public Works, and the Local Native American Tribal Representative.				
Residential Design				

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<p>16. Homes will be designed to minimize landform alteration. Building materials shall be reflective of surrounding natural earth tone colors.</p> <p>17. Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5 – 3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If the Department of Public Works (DPW) requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.</p>		Payment for implementation of protective mitigation measures to be paid prior to commencement of construction.	Monitoring to occur prior to issuance of grading permits.	Applicant	Los Angeles County Departments of Regional Planning, Public Works
<p>Traffic</p> <p>18. Construction vehicles are not to be parked along Latigo Canyon Road.</p> <p>19. The Traffic and Lighting Division of DPW shall review and approve, or modify and approve, the primary entrance to the site from Latigo Canyon Road. Of primary concern is the need for safety due to line of sight impediments present near the proposed entrance point to the site.</p> <p>20. The County Fire Department and DPW shall review and approve the proposed access easement for the neighbor to the south to ensure safety of access for emergency vehicles.</p>		Payment for implementation of protective mitigation measures to be paid prior to commencement of construction.	Monitoring to occur during demolition and construction.	Applicant	Los Angeles County Public Works
<p>Library Services</p> <p>21. The applicant will be required to pay the County's library facilities mitigation fee at the time the building permits for the project (i.e. future residences) are issued. The proposed project is located in the Library's Planning Area 7 (Santa Monica Mountains).</p>		Payment for implementation of protective mitigation measures to be paid prior to commencement of construction.	Monitoring to occur prior to issuance of building permits.	Applicant	County of Los Angeles Public Library
<p>Emergency Services</p>					

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<p>22. The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in effect at the time of building permit issuance then this mitigation measure will be required.</p>	<p>Payment for implementation of emergency services measures to be paid prior to commencement of construction.</p>	<p>Monitoring to occur prior to issuance of building permits.</p>	<p>Applicant</p>	<p>Los Angeles County Public Works and Fire Department</p>
<p>Mitigation Compliance</p> <p>23. As a means of ensuring compliance of all above mitigation measures, the applicant is responsible for submitting an annual mitigation compliance report to the DRP for review and responsible for replenishing the mitigation monitoring account, if necessary, until such time as all mitigation measures have been implemented and completed.</p>	<p>Submittal and approval of annual Mitigation Compliance Report. Replenishment of Mitigation Monitoring account if necessary until such time as all mitigation measures have been implemented and completed.</p>	<p>Annually</p>	<p>Applicant</p>	<p>Los Angeles County Dept. of Regional Planning</p>

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Mitigation Measure

Action Required

When Monitoring to Occur

Responsible Agency or Party

Monitoring Agency or Party

DEFERRED



**** INITIAL STUDY ****

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNINGGENERAL INFORMATIONI.A. Map Date: July 2008 Staff Member: Rudy SilvasThomas Guide: 627 J-5 USGS Quad: Point DumeLocation: Latigo Canyon Road and Ocean View Drive, Malibu

Description of Project: An application to subdivide the property into eight (8) lots consisting of six (6) for single-family residential use, one (1) for open space conservation and one (1) for street access to the site, proposed over 34.4 gross acres and located in Malibu. A direct access road connection is proposed from Latigo Canyon Road to serve all six residences proposed, connecting into Baller Road which will continue to serve five (5) homes beyond the proposed subdivision to the north. The access road will vary in width from 20 to 34 feet, totaling 1,620 feet in length, and an access easement shall be provided to serve the neighboring residential property to the south. Custom designed homes are proposed to be built on caissons along the natural hillsides of the property, limiting grading to 19,250 cubic yards of cut and 1,200 cubic yards of fill. An oak tree permit has been filed to remove four (4) oak trees on site in order to construct the new access driveway. An oak tree mitigation/ tree replacement program is proposed to replace the trees in accordance with the Oak Woodland Conservation Act (Public Resources Code 21083.4). A Biological Constraints Analysis (BCA) was prepared for this project dated May 2008. Per California Environmental Quality Act (CEQA), project impacts to be analyzed in this document also include all off-site improvements and areas to be "retired" as a result of the creation of this subdivision as required by the Local Coastal Plan (LCP). Application also includes a Conditional Use Permit for development within a hillside management area.

Gross Area: 34.4 acres (plus off-site improvements area and "lot retirement" sites)

Environmental Setting: The project is vacant and located in the Malibu-Latigo Canyon area of unincorporated Los Angeles County. The west side of the property is bounded by Latigo Canyon Road and is situated approximately three miles north of Pacific Coast Highway. Land on the project site is steep, with grades in excess of 25% and contains chaparral, coastal sage scrub, and willow scrub. There are many sensitive species known in the area. The terrain slopes steeply from the ridge to the east and south. The level areas are located on the ridge. Site elevations range from 765 feet in the southeast corner to 1,235 feet in the northwest corner of the site. Latigo Canyon Creek, a designated Environmentally Sensitive Habitat Area (ESHA) under the Malibu Local Coastal Plan (LCP), runs north and south through the property near its eastern edge.

Zoning: A-1-1 (Light agricultural - one acre minimum size lot requirement)
General Plan: Non-urban (R)Community/Area Wide Plan: Mountain Land (M2 - 1 dwelling unit/20 acres), Rural Land II (Cat. 4 - 1 dwelling unit/5 acres), & Rural Land III (Cat. 5 - 1 dwelling unit/ 2 acres) of the Malibu Local Coastal Land Use Plan

Major projects in area:

Project Number

Description & Status

02-093

Four oak tree removals and eight encroachments, located at 3969 Escondido Drive, Malibu; on hold with a mitigated negative declaration.

89-526

Two oak tree encroachments located at 4069 Maguire Drive, Malibu; approved in 1990 with a negative declaration

NOTE: For EIRs, above projects are not sufficient for cumulative analysis.

REVIEWING AGENCIES

Responsible Agencies

- None
- Regional Water Quality Control Board
 - Los Angeles Region
 - Lahontan Region
- Coastal Commission
- Army Corps of Engineers
- Caltrans Dist. 7

Trustee Agencies

- None
- State Fish and Game
- State Parks and Rec.
- USFWS
- _____

Special Reviewing Agencies

- None
- Santa Monica Mountains Conservancy
- National Parks
- Santa Monica/Malibu USD
- California Highway Patrol
- Resource Conservation District of the Santa Monica Mtns.
- City of Malibu
- AQMD
- Center for Biological Diversity
- Native American Heritage Commission
- Native American Tribal Representative
- CSU Fullerton

Regional Significance

- SCAG Criteria
- Air Quality
- Water Resources
- Santa Monica Mtns Area

County Reviewing Agencies

- Subdivision Committee
- DPW: Waterworks & Sewer Maintenance; Geotechnical & Materials Engineering; Drainage & Grading; Watershed Mgmt., Traffic & Lighting
- Health Services: Environmental
- Fire Department
- Parks & Recreation
- Public Libraries
- Sheriff

IMPACT ANALYSIS MATRIX

		ANALYSIS SUMMARY (See individual pages for details)			
		Less than Significant Impact/No Impact			
		Less than Significant Impact with Project Mitigation			
		Potentially Significant Impact			
		Potential Concern			
CATEGORY	FACTOR	Pg	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAZARDS	1. Geotechnical	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Flood	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. Fire	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Noise	8	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RESOURCES	1. Water Quality	9	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Air Quality	10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. Biota	11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Cultural Resources	12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	5. Mineral Resources	13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6. Agriculture Resources	14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7. Visual Qualities	15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SERVICES	1. Traffic/Access	16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Sewage Disposal	17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3. Education	18	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Fire/Sheriff	19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	5. Utilities	20	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OTHER	1. General	21	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Environmental Safety	22	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3. Land Use	23	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Pop./Hous./Emp./Rec.	24	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Mandatory Findings	25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DEVELOPMENT MONITORING SYSTEM (DMS) *

As required by the Los Angeles County General Plan, DMS shall be employed in the Initial Study phase of the environmental review procedure as prescribed by state law.

- Development Policy Map Designation: Non-Urban Hillside (7)
- Yes No Is the project located in the Antelope Valley, East San Gabriel Valley, Malibu/Santa Monica Mountains or Santa Clarita Valley planning area?
- Yes No Is the project at urban density and located within, or proposes a plan amendment to, an urban expansion designation?

If both of the above questions are answered "yes", the project is subject to a County DMS analysis.

Check if DMS printout generated (attached) Date of printout: _____

Check if DMS overview worksheet completed (attached)

*EIRs and/or staff reports shall utilize the most current DMS information available.

Environmental Finding:

FINAL DETERMINATION: On the basis of this Initial Study, the Department of Regional Planning finds that this project qualifies for the following environmental document:

NEGATIVE DECLARATION, inasmuch as the proposed project will not have a significant effect on the environment.

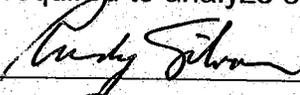
An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, will not have a significant effect on the physical environment.

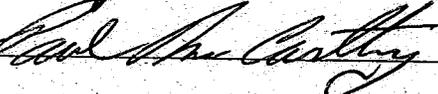
MITIGATED NEGATIVE DECLARATION, inasmuch as the changes required for the project will reduce impacts to insignificant levels (see attached discussion and/or conditions).

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to modification of the project so that it can now be determined that the project will not have a significant effect on the physical environment. The modification to mitigate this impact(s) is identified on the Project Changes/Conditions Form included as part of this Initial Study.

ENVIRONMENTAL IMPACT REPORT*, inasmuch as there is substantial evidence that the project may have a significant impact due to factors listed above as "significant."

At least one factor has been adequately analyzed in an earlier document pursuant to legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets (see attached Form DRP/IA 101). The EIR is required to analyze only the factors not previously addressed.

Reviewed by: Rudy Silvas  Date: 01-14-09

Approved by: Paul McCarthy  Date: 01-14-09

This proposed project is exempt from Fish and Game CEQA filling fees. There is no substantial evidence that the proposed project will have potential for an adverse effect on wildlife or the habitat upon which the wildlife depends. (Fish & Game Code 753.5).

Determination appealed--see attached sheet.

*NOTE: Findings for Environmental Impact Reports will be prepared as a separate document following the public hearing on the project.

HAZARDS - 1. Geotechnical

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|-------------------------------------|--|
| a. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project site located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone? <u>Malibu Coastal Fault is approximately one mile south of the site (Earthquake Fault Zone Map-Point Dume Quad.)</u> |
| b. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project site located in an area containing a major landslide(s)?
<u>High landslide potential (per LA Co. Safety Element - Plate 5)</u> |
| c. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project site located in an area having high slope instability?
<u>Low slope stability (per ESRI map-Point Dume Quad)</u> |
| d. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction?
<u>(per LA Co. Safety Element - Plates 3 & 4)</u> |
| e. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard? |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will the project entail substantial grading and/or alteration of topography including slopes of more than 25%? <u>Moderate grading proposed primarily for access road through site and for pad support.</u> |
| g. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? |
| h. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other factors? <u>A "Geologic Restricted Use Area" has been designated over a portion of Lot 7 on the proposed vesting tentative tract map.</u> |

STANDARD CODE REQUIREMENTS

Building Ordinance No. 2225 C Sections 308B, 309, 310 and 311 and Chapters 29 and 70.

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

Lot Size Project Design Approval of Geotechnical Report by DPW

Comply with Mitigation Monitoring Program (MMP) for Drainage and Grading.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **geotechnical** factors?

Potentially significant Less than significant with project mitigation Less than significant/No impact

HAZARDS - 2. Flood

SETTING/IMPACTS

- Yes No Maybe
- a. Is a major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site?
Latigo Canyon Creek on eastern end of site
- b. Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone?
(per LA Co. Safety Element - Plate 6)
- c. Is the project site located in or subject to high mudflow conditions?
High soil erosion (per ESRI map-Point Dume Quad)
- d. Could the project contribute or be subject to high erosion and debris deposition from run off?
High soil erosion (per ESRI map-Point Dume Quad)
- e. Would the project substantially alter the existing drainage pattern of the site or area?
Urban runoff
- f. Other factors (e.g., dam failure)? _____

STANDARD CODE REQUIREMENTS

- Building Ordinance No. 2225 C Section 308A Ordinance No. 12,114 (Floodways)
 Approval of Drainage Concept by DPW

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

- Lot Size Hydrology Study

Comply with MMP for Drainage and Grading.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **flood (hydrological)** factors?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

HAZARDS - 3. Fire

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|-------------------------------------|---|
| a. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)?
<i>(per LA Co. Safety Element - Plate 7)</i> |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site in a high fire hazard area and served by inadequate access due to lengths, widths, surface materials, turnarounds or grade? <i>The proposed access road through the site will connect Baller Road to Latigo Canyon Road, with a 570' segment at 28 to 34 feet wide, and a 1,050' segment at 20' wide totaling 1,620' in length. Width of access road must be acceptable to Fire Department.</i> |
| c. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Does the project site have more than 75 dwelling units on a single access in a high fire hazard area? |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located in an area having inadequate water and pressure to meet fire flow standards? <i>Fire Dept. hydrant requirements must be met.</i> |
| e. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project site located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)? |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does the proposed use constitute a potentially dangerous fire hazard?
<i>Access point and easement to serve neighbor to south must be approved by Fire Department.</i> |
| g. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? |

STANDARD CODE REQUIREMENTS

Water Ordinance No. 7834 Fire Ordinance No. 2947 Fire Regulation No. 8

Fuel Modification/Landscape Plan

MITIGATION MEASURES / OTHER CONSIDERATIONS

Project Design

Compatible Use

Comply with MMP for Traffic and Emergency Services.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by fire hazard factors?

Potentially significant

Less than significant with project mitigation

Less than significant/No impact

HAZARDS - 4. Noise

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|--------------------------|-------------------------------------|-------------------------------------|--|
| a. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project site located near a high noise source (airports, railroads, freeways, industry)?
_____ |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity?
_____ |
| c. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project substantially increase ambient noise levels including those associated with special equipment (such as amplified sound systems) or parking areas associated with the project?
_____ |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?
<u>Noise increase with operation of machinery during construction</u>
_____ |
| e. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? _____
_____ |

STANDARD CODE REQUIREMENTS

- Noise Ordinance No. 11,778 Building Ordinance No. 2225--Chapter 35

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

- Lot Size Project Design Compatible Use

Comply with MMP for Noise.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by noise?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

RESOURCES - 1. Water Quality

SETTING/IMPACTS

Yes No Maybe

- a. Is the project site located in an area having known water quality problems and proposing the use of individual water wells?
Site is located within the Santa Monica Mountains, an area known for water quality problems.
- b. Will the proposed project require the use of a private sewage disposal system?
A tertiary treatment septic system to mitigate impacts on water quality to less than significant levels will be utilized.
- If the answer is yes, is the project site located in an area having known septic tank limitations due to high groundwater or other geotechnical limitations or is the project proposing on-site systems located in close proximity to a drainage course?
Septic tanks proposed in the Santa Monica Mountains area, Latigo Canyon Creek on eastern end of site.
- c. Could the project's associated construction activities significantly impact the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies?
Project will require NPDES permit, implementation of Best Mgmt. Practices (BMP).
- d. Could the project's post-development activities potentially degrade the quality of storm water runoff and/or could post-development non-storm water discharges contribute potential pollutants to the storm water conveyance system and/or receiving bodies?
Project will require NPDES permit, incorporate filtration devices through BMP.
- e. Other factors? _____

STANDARD CODE REQUIREMENTS

- Industrial Waste Permit Health Code Ordinance No. 7583, Chapter 5
- Plumbing Code Ordinance No. 2269 NPDES Permit Compliance (DPW)

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

- Lot Size Project Design

Comply with MMP for Drainage and Grading.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **water quality** problems?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

RESOURCES - 3. Biota

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|-------------------------------------|--|
| a. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project site located within a Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.), or is the site relatively undisturbed and natural? <u>Proposed open space Lot No. 7 has Latigo Canyon Creek, a designated ESHA, which transverses through it. No new lot lines are proposed within 200' of the ESHA; site is relatively undisturbed and natural</u> |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas? <u>Moderate amount of grading associated primarily with the project's access road construction.</u> |
| c. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is a drainage course located on the project site that is depicted on USGS quad sheets by a dashed blue line or that may contain a bed, channel, or bank of any perennial, intermittent or ephemeral river, stream, or lake?

<u>Latigo Canyon Creek (ESHA) located in the proposed open space preservation area</u> |
| d. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the project site contain a major riparian or other sensitive habitat (e.g., coastal sage scrub, oak woodland, sycamore riparian woodland, wetland, etc.)?

<u>Chaparral, coastal sage scrub, willow scrub</u> |
| e. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the project site contain oak or other unique native trees (specify kinds of trees)?

<u>Oak trees, walnuts</u> |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)? <u>golden eagle, coastal western whiptail, Braunton's milk-vetch, Coulter's saltbush, Plummer's mariposa lily, Parry's spineflower, southwestern pond turtle, monarch butterfly, Santa Monica Mountains dudleya, round-leaved filaree, Lyon's pentachaeta, San Diego horned lizard, California horned lizard, bank swallow, two-striped garter snake, and Sonoran maiden fern.</u> |
| g. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors (e.g., wildlife corridor, adjacent open space linkage)? _____ |

MITIGATION MEASURES / OTHER CONSIDERATIONS

- Lot Size
 Project Design
 Oak Tree Permit
 ERB/SEATAC Review

Comply with MMP for Biota.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on biotic resources?

- Potentially significant
 Less than significant with project mitigation
 Less than significant/No impact

RESOURCES - 4. Archaeological / Historical / Paleontological

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|-------------------------------------|--|
| a. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project site in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) which indicate potential archaeological sensitivity?

<u>South Central Coastal Information Center has determined that the surrounding area is known to be archaeologically sensitive. Site is relatively undisturbed; oak trees on site.</u> |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Does the project site contain rock formations indicating potential paleontological resources?

_____ |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does the project site contain known historic structures or sites?

_____ |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?

_____ |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

_____ |
| f. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? _____ |

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

- Lot Size Project Design Phase I Archaeology Report

Comply with MMP for Archaeological and Cultural Resources.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **archaeological, historical, or paleontological** resources?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

RESOURCES - 5. Mineral Resources

SETTING/IMPACTS

- Yes No Maybe
- a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- b. Would the project result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan?

- c. Other factors? _____

MITIGATION MEASURES / OTHER CONSIDERATIONS

- Lot Size Project Design
- _____

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on mineral resources?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

RESOURCES - 6. Agriculture Resources

SETTING/IMPACTS

- Yes No Maybe
- a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
Site is classified as "Other Land" by the California State Department of Conservation
- b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
Site is zoned A-1-1 for light agricultural use, minimum size lot requirement of one acre.
- c. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

- d. Other factors? _____

MITIGATION MEASURES / OTHER CONSIDERATIONS

- Lot Size Project Design
- _____

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on agriculture resources?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

RESOURCES - 7. Visual Qualities

SETTING/IMPACTS

Yes No Maybe

a. Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed?

Development will be visible from Latigo Canyon Road.

b. Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail?

c. Is the project site located in an undeveloped or undisturbed area, which contains unique aesthetic features? Undeveloped area with oak trees.

d. Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features?

Other single family homes in vicinity

e. Is the project likely to create substantial sun shadow, light or glare problems?

Site is undeveloped. The project could create potential sources of shadow and glare.

f. Other factors (e.g., grading or land form alteration): Land form alteration as a result of grading for new on site access road and pad support; development along hillsides

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

Lot Size Project Design Visual Report Compatible Use

Comply with MMP for Residential Design and Biota.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on scenic qualities?

Potentially significant Less than significant with project mitigation Less than significant/No impact

SERVICES - 1. Traffic/Access

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|-------|-------------------------------------|-------------------------------------|-------------------------------------|---|
| a. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Does the project contain 25 dwelling units, or more and is it located in an area with known congestion problems (roadway or intersections)? |
| <hr/> | | | | |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will the project result in any hazardous traffic conditions?

<i>Clearance by DPW Traffic and Lighting Division on line of sight clearance for access to the site from Latigo Canyon Road is required.</i> |
| <hr/> | | | | |
| c. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will the project result in parking problems with a subsequent impact on traffic conditions? |
| <hr/> | | | | |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area?

<i>Fire Department must clear access to subject site and to neighboring properties through subject site.</i> |
| <hr/> | | | | |
| e. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will the congestion management program (CMP) Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a CMP highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link be exceeded?

<i>Threshold for single family residential projects is 50 units.</i> |
| <hr/> | | | | |
| f. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? |
| <hr/> | | | | |
| g. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? _____ |
| <hr/> | | | | |

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

- Project Design Traffic Report Consultation with Traffic & Lighting Division

Comply with MMP for Traffic and Emergency Services.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **traffic/access** factors?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

SERVICES - 2. Sewage Disposal

SETTING/IMPACTS

- Yes No Maybe
- a. If served by a community sewage system, could the project create capacity problems at the treatment plant?
N/A, project will be on septic system
- b. Could the project create capacity problems in the sewer lines serving the project site?
N/A
- c. Other factors? _____

STANDARD CODE REQUIREMENTS

- Sanitary Sewers and Industrial Waste Ordinance No. 6130
- Plumbing Code Ordinance No. 2269

MITIGATION MEASURES / OTHER CONSIDERATIONS

Septic systems are being proposed. Comply with all requirements set forth by County Public Health.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **sewage disposal** facilities?

- Potentially significant Less than significant with project mitigation Less than significant/No impact



SERVICES - 3. Education

SETTING/IMPACTS

Yes No Maybe

- a. Could the project create capacity problems at the district level?

- b. Could the project create capacity problems at individual schools which will serve the project site?

- c. Could the project create student transportation problems?

- d. Could the project create substantial library impacts due to increased population and demand?
Library facilities mitigation fee required.

- e. Other factors? _____

MITIGATION MEASURES / **OTHER CONSIDERATIONS**

Site Dedication Government Code Section 65995 Library Facilities Mitigation Fee

Comply with MMP for Library Services.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **educational** facilities/services?

Potentially significant Less than significant with project mitigation Less than significant/No impact

SERVICES - 4. Fire/Sheriff Services

SETTING/IMPACTS

Yes No Maybe

- a. Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site?
-
- b. Are there any special fire or law enforcement problems associated with the project or the general area?
- High fire hazard area*
-
- c. Other factors? Site access and access for neighboring property owners must be acceptable to Fire Department.

MITIGATION MEASURES / OTHER CONSIDERATIONS

Fire Mitigation Fees

Comply with MMP for Emergency Services and Traffic.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **fire/sheriff** services?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

SERVICES - 5. Utilities/Other Services

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|-------------------------------------|---|
| a. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project site in an area known to have an inadequate public water supply to meet domestic needs or to have an inadequate ground water supply and proposes water wells?

<u>Water service to be provided by Las Virgenes Municipal Water District (LVMWD).</u> |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs?

<u>Water pressure tests must meet Fire Department requirements.</u> |
| c. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project create problems with providing utility services, such as electricity, gas, or propane?

_____ |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Are there any other known service problem areas (e.g., solid waste)?

<u>Site will be on septic service.</u> |
| e. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services or facilities (e.g., fire protection, police protection, schools, parks, roads)?

_____ |
| f. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? _____

_____ |

STANDARD CODE REQUIREMENTS

- Plumbing Code Ordinance No. 2269 Water Code Ordinance No. 7834

MITIGATION MEASURES / OTHER CONSIDERATIONS

- Lot Size Project Design

Will serve letter provided for water service by Las Virgenes Municipal Water District dated December 23, 2008.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **utilities/services**?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

OTHER FACTORS - 1. General

SETTING/IMPACTS

- Yes No Maybe
- a. Will the project result in an inefficient use of energy resources?
Green Building standards must be implemented.
- b. Will the project result in a major change in the patterns, scale, or character of the general area or community?
Project site in hillside area
- c. Will the project result in a significant reduction in the amount of agricultural land?
- d. Other factors? *Alteration of existing natural landscape of site with proposed grading.*

STANDARD CODE REQUIREMENTS

State Administrative Code, Title 24, Part 5, T-20 (Energy Conservation)

MITIGATION MEASURES / OTHER CONSIDERATIONS

Lot size Project Design Compatible Use

Comply with MMP for Residential Design and Biota.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to any of the above factors?

Potentially significant Less than significant with project mitigation Less than significant/No impact

OTHER FACTORS - 2. Environmental Safety

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|--------------------------|---|
| a. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Are any hazardous materials used, transported, produced, handled, or stored on-site?
_____ |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Are any pressurized tanks to be used or any hazardous wastes stored on-site?
_____ |
| c. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?
_____ |
| d. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Have there been previous uses which indicate residual soil toxicity of the site?
_____ |
| e. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment?
_____ |
| f. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
_____ |
| g. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment?
_____ |
| h. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project result in a safety hazard for people in a project area located within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airstrip?
_____ |
| i. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
_____ |
| j. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? _____ |

MITIGATION MEASURES / OTHER CONSIDERATIONS

Toxic Clean up Plan

CONCLUSION

Considering the above information, could the project have a significant impact relative to **public safety**?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

OTHER FACTORS - 3. Land Use

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|-------------------------------------|-------------------------------------|--------------------------|---|
| a. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Can the project be found to be inconsistent with the plan designation(s) of the subject property? _____ |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Can the project be found to be inconsistent with the zoning designation of the subject property?
_____ |
| c. | | | | Can the project be found to be inconsistent with the following applicable land use criteria: |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hillside Management Criteria? |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | SEA Conformance Criteria? |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other? <u>Consistent after modifications per County ERB contained in MMP.</u> |
| d. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project physically divide an established community?
_____ |
| e. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other factors? <u>Proposed project is located in a highly constrained area; applicant is requesting one unit less than the maximum density allowed based on slope analysis.</u> |

MITIGATION MEASURES / OTHER CONSIDERATIONS

Comply with MMP for Residential Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **land use** factors?

- Potentially significant Less than significant with project mitigation Less than significant/No impact

OTHER FACTORS - 4. Population/Housing/Employment/Recreation

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|--------------------------|-------------------------------------|-------------------------------------|--|
| a. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project cumulatively exceed official regional or local population projections?
_____ |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project induce substantial direct or indirect growth in an area (e.g., through projects in an undeveloped area or extension of major infrastructure)?
_____ |
| c. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project displace existing housing, especially affordable housing?
_____ |
| d. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project result in a substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?
_____ |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Could the project require new or expanded recreational facilities for future residents?
_____ |
| f. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
_____ |
| g. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other factors? _____
_____ |

MITIGATION MEASURES / OTHER CONSIDERATIONS

Comply with MMP for Open Space and Parks

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **population, housing, employment, or recreational** factors?

Potentially significant Less than significant with project mitigation Less than significant/No impact

MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Initial Study, the following findings are made:

- Yes No Maybe
- a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Biota, potential impacts to Latigo Canyon Creek (ESHA)

- b. Does the project have possible environmental effects which are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Cumulative impacts from grading, runoff, air quality, traffic

- c. Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the environment?

- Potentially significant impact Less than significant with project mitigation Less than significant/No impact

VTTM 34289

22.56.040 Burden of Proof:

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A: That the requested use at the location proposed will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or*
- 2. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or*
- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.*

1. The project applicant on 12/10/2008 agreed to implement the Mitigation Monitoring Program (MMP) put forward by Department of Regional Planning Staff as required by the Initial Study prepared for the project.
2. The area surrounding the subject property is largely residential. Excavation and hauling vehicles will be in use only during County authorized construction hours pursuant to the MMP. Excavation and hauling activities will only be temporary in nature during construction. Accordingly, said activities are not expected to negatively impact those residing or working in the area.
3. Standard Best Management Practices will be incorporated into the construction process to prevent polluted run-off and other off site impacts. The site will be periodically watered as needed to minimize fugitive dust and vehicles will be cleaned on-site before exiting onto public roads as required by the control measures recommended by the South Coast Air Quality Management District as outlined in the MMP.
4. Fugitive dust control measures will be implemented in accordance with SCAQMD Rule 403.
5. The safest route (with the widest roads) from the subject property will be used. Equipment will be left on site to minimize trips to/from subject property. Pursuant to the MMP requirements no vehicles will be left idling onsite when not in use.
6. As required by the MMP, the applicant will comply with all applicable requirements of the LA County noise control ordinance Title 12 Environmental Protection Noise Control.

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

1. The property is large enough in size (approximately 33.74 net acres) to accommodate the stockpiling of dirt and the stacking of hauling vehicles (on-site) in order to permit staggered truck trips (so as to minimize the potential for temporary traffic impacts).
2. The property is large enough to facilitate cleaning of trucks before exiting the project site. A vehicle cleaning area will be provided and all cleaning waste will be contained on-site. Furthermore, a specific, contained area will be set aside on site for refueling the trucks as needed.
3. The current application is not for residential structures however the proposed lots will be an average of approximately 1.55 acres (67,518 square feet) in size which will be more than sufficient to accommodate Title 22 development standards for residential development.

C. *That the proposed site is adequately served:*

1. *By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and*
 2. *By other public or private service facilities as are required*
1. The hauling of the dirt is expected to create a nominal number of trucks leaving and returning to the site each day. The roads to be used currently experience only light to moderate traffic throughout the day. Latigo Canyon is sparsely populated with an average of 8 homes per square mile. Significant traffic impacts are not expected pursuant to the Initial Study prepared by Regional Planning on 12/12/2006 and the implementation of the Mitigation Monitoring Program agreed to by the applicant on 12/10/2008.
 2. The property is abutted by an existing 8-12" variable width water main that runs beneath Latigo Canyon and Baller Roads. Las Virgenes Water District has provided the applicant with a Letter of Conditional Water Service. The applicant will pay for the design and construction of all water main/ utility extensions or appurtenances, as needed for subdivision approval, in accordance with Titles 20 (Utilities Code), 21 (Subdivisions Code), and 32 (Fire Code) of the Los Angeles County Code. Water will be directly available for grading activities during excavation and shall be drawn from the existing 8" main that runs along the Western property line. Water will thus be available for both compaction of earth and BMP implementation during excavation and export. The property is also abutted by power lines that run from south to north along Latigo Canyon Road. Power line extensions to serve future residences within the subdivision will be easily accommodated. Additionally, once grading is complete, the access roads within the subdivision will comply with Title 32 and shall have all necessary utilities buried beneath said roads. All services will be provided accordingly.

Hillside Management Ordinance Burden of Proof Responses (22.56.215):

F.1.a

That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard,

1. The Initial Study prepared on December 12, 2006 for this project found Geotechnical, Seismic, Slope Instability, Fire, Flood, Mud Flow, and Erosion Impacts to be Less Than Significant With Project Mitigation.
2. The project applicant on 12/10/2008 agreed to implement the Mitigation Monitoring Program (MMP) put forward by Department of Regional Planning Staff as required by the Initial Study prepared for the project. These mitigation measures include but are not limited to the filing of the appropriate development permits, geotechnical reports with the Department of Public Works and implementation of SCAQMD measures for emissions control during construction.

Geologic, seismic, slope instability, mud flow hazard:

1. The project Geologist and Geotechnical Engineer in the project Geotechnical reports dated 11/21/2008 and 12/04/2008 from Geolabs-Westlake Village certified via signed 111 Statements: Proposed project is safe against hazard from landslide, settlement, or slippage; and proposed project will have no adverse effect on the geologic stability of the property. A number of mitigation measures were incorporated including but not limited to:
 - a. The expansion of the Restricted Use areas to those areas of the parcel including both postulated and proven landslides.
 - b. A row of below grade soldier piles is proposed along the southern property line in order to mitigate a calculated slope instability.
2. County of Los Angeles Geotechnical and Materials Engineering Division (GMED) recommended the Tentative Map for approval on 01/22/2009 following six rounds of review by GMED staff.

Fire hazard:

1. The Fire Department provided approval for the Tentative Tract Map on 09/11/2008 advising that proposed access to the site met the required standards for a Very High Fire Hazard Severity Zone.
2. A Fuel modification Plan will be submitted and approved by the Fire Department (Fuel Modification Unit) prior to approval of the final map.
3. The proposed driveway will improve upon the existing lower segment of Baller Road thereby improving emergency Fire Department access to approximately five (5) existing homes and possibly 20 future homes.

Erosion hazard:

1. The Drainage Concept & Stormwater Quality Plan prepared by Whitson Engineers on March 11, 2008 was approved by the LA County Department of Public Works on March 26, 2008. A number of Standard Urban Stormwater Mitigation Plan BMPs are included:
 - a. Vegetative swales
 - b. Fossil Fuel Filter Drain inserts
 - c. Rock rip-rap pads at all culvert drainage points.
2. Graded slopes will be re-vegetated after construction for permanent erosion control pursuant to the MMP.

3. As recommended by ERB and incorporated in the MMP, the fuel modification plan will incorporate a mosaic planting of deep rooted perennial natives that will hold the soil together.
4. The project avoids construction on naturally vegetated steep canyon slopes most of which are within the designated Open Space parcel.

F.1.b

That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area, and

1. The Initial Study prepared on December 12, 2006 for this project found biota, cultural, scenic and visual Impacts to be Less Than Significant With Project Mitigation.
2. The project applicant on 12/10/2008 agreed to implement the Mitigation Monitoring Program put forward by Regional Planning Staff as required by the Initial Study prepared for the project.

Open Space:

1. The project provides approximately 24.33 net acres of deed restricted Open Space, equivalent to 72.1% of the project area, with 0.12 acres (i.e. 0.4%) constituting disturbed area Open Space while the remainder is undisturbed. The amount of Open Space provided exceeds the minimum of 70% required in a nonurban hillside management area.
2. The project's park obligation will be met by paying the required developer fees as outlined in the MMP.

Biotic:

1. Structures are largely clustered on the southwestern portion of the project site which has experienced historical disturbance and vegetation clearance.
2. ESHA was determined to be limited on site to Southern Willow Scrub pursuant to a Biological Constraints Analysis prepared by Steven G. Nelson, Consulting Biologist in May 2008.
3. A 200' buffer is proposed between the nearest property line for the residential lots and the mapped ESHA (pursuant to the determination by the Project Biologist). The closest possible building pad is located approximately 265' from mapped ESHA and no associated fuel modification will occur within the proposed buffer zone.
4. The current design is more clustered than the 1991 9-lot County approved design, with the area to be disturbed by required Fuel Modification reduced from 21.7 acres to 16.1 acres.
5. Future development is clustered on the flattest portions of the project site leaving steep slopes untouched with a number of the building sites utilizing existing, historically disturbed areas.
6. A number of measures specified in the MMP will be utilized to ensure compatibility of the project with the biotic resources in the project vicinity, including but not limited to:
 - a. Review of the grading plan by the Senior Biologist of Regional Planning for guidance to minimize impacts to wildlife.
 - b. Consultation with the California Department of Fish and Game prior to issuance of grading permits for potential impacts to State-listed species and to prepare any salvage and relocation plans.
 - c. A qualified biologist will be retained to monitor grading and construction activities to ensure the required mitigation measures are implemented as required. If any development activity is to occur within the breeding bird season, a qualified biologist will conduct breeding bird surveys as outlined in the MMP.

Cultural:

1. The project archaeologist Brandon S. Lewis (PhD., ROPA) conducted a field survey and prepared a Phase I Archaeological Resource Survey on 12/20/2008 and concluded that the likelihood of a significant, intact archaeological site on the project is relatively low and recommended that if cultural resources are identified during construction that a qualified archaeologist be notified immediately to assess the significance of the remains.
2. Pursuant to the MMP, the Phase I will be reviewed by DRP, DPW and a local Native American Tribal Representative prior to approval of the recommended final implementation measures suggested by the project archaeologist.

Scenic:

1. Several future homes will be of a stepped design to blend in with the natural terrain as much as possible.
2. All structures will be painted earth tones to blend into the landscape.
3. Proposed retaining walls to create stepped pads will be shielded from public view because they will be directly abutted by and blocked from view by the homes and associated landscaping.
4. Exterior residential lighting will be minimized pursuant to the MMP with shielding to prevent projection into the nighttime sky, surrounding properties and undeveloped areas. No street lighting will be utilized as DPW does not require any.

F.1.c

That the proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan

1. The Initial Study prepared on December 12, 2006 for this project found impacts on services including traffic, emergency services and utilities to be Less Than Significant With Project Mitigation.
2. This proposed six (6) residential lot subdivision with a density of approximately one (1) home per 5.6 acres is located directly next to several relatively built out small lot subdivision neighborhoods that have potential build-out densities of roughly five (5) homes per acre.
3. These existing vicinity homes are currently adequately served by commercial services in the Malibu area as well as the Agoura Hills/Calabasas areas.
4. School, library, and emergency services will be supplemented through the payment of required developer fees to all agencies as required by the MMP.
5. The future houses will be served by individual private septic systems for which a feasibility report will be prepared and submitted to the LA County Department of Public Health's approval prior to Final Tract Map approval pursuant to the County's requirements in their letter of 02/06/2008.
6. Las Virgenes Municipal Water District issued a 'Conditional Statement of Water Service' on 12/23/2008 confirming that the project will be allowed to connect to the water system of the district either from an existing main or via an extension provided by the applicant.

F.1.d

That the proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;

1. This six (6) residential lot subdivision will incorporate a number of measures to ensure that the final development will not negatively impact the surrounding area.

2. Structures are proposed on the flattest portions of the site to reduce grading required and the proposed grading will utilize contour grading to ensure less visual impacts.
3. Lot and access road design and building pad choices have been driven by the objectives of reducing grading and reducing impacts from the Tract map approved in 1991. This has resulted in a reduction of proposed grading by 23,550 cubic yards and reduced fuel modification required of approximately 5.6 acres along with a reduction in the proposed residences from nine to six residential lots from the 1991 approval.
4. Large portions of the steepest areas of the site which are also the areas containing all of the mapped ESHA (pursuant to the determination by the Project Biologist) will remain undeveloped as designated Open Space. The current project Open Space area of 17 acres is a five acre increase from the 1991 County approved design.
5. The future development will incorporate landscaping to visually screen structures from public roads and public trails.
6. Structures are proposed within existing, historically disturbed areas and fuel modification zones of surrounding residences.
7. Terrain adaptive architecture will be utilized with homes that are on slopes incorporating a stepped design, ensuring that the future structures step down the slopes with the natural terrain as much as possible.
8. The final project will result in the planting of at least ten (10) oak trees on site pursuant to the Proposed Oak Tree Replacement Plan submitted to Regional Planning on 11/26/2008 and subject to approval by the County Biologist. This will further improve the visual character of the area and the currently disturbed hillside.
9. Landscaping will consist primarily of drought tolerant, native plant species.
10. During the construction stage, the green building development standards outlined in the Green Building Ordinance adopted by LA County on November 18, 2008 will be utilized.
11. Approximately 72.1 % of the site will remain as Open Space.

Oak Tree Permit Burden of Proof Responses (22.56.2100):

A. Burden of Proof:

1. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property:

1. Pursuant to correspondence from the County Forester on 08/15/2007, the Oak Tree Report prepared by project arborist Bruce Malinowski dated February 15, 2007, has been deemed accurate and complete.
2. Pursuant to the Oak Tree Report, apart from the five (5) oak trees to be removed under Oak Tree Permit #2007-00011, there are no other oak trees present on the portions of the subject property that are to be developed.
3. The applicant is in agreement with the mitigation measures recommended by the County Forester for approval of the Oak Tree Permit including: planting of mitigation oaks at a rate of 2:1 and subsequent monitoring, etc.

2. That the removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which can not be satisfactorily mitigated:

1. The proposed subdivision has been designed to minimize disturbance of natural vegetation with the majority of site improvements proposed on previously disturbed areas.
2. Pursuant to the Mitigation Monitoring Program for the project that will be implemented, temporary erosion controls will be put in place during construction and a re-vegetation and landscaping plan will be implemented in order to control soil erosion in the long term.

3. That in addition to the above facts at least one of the following findings apply:

- a) *That the removal of oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that:*
 - i) *Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive; or*
 - ii) *Placement of such trees precludes the reasonable and efficient use of such property for a use otherwise authorized:*

1. As outlined previously, the proposed six (6) residential lots subdivision has been designed to reduce grading and site disturbance to the maximum amount feasible. The current site design has allowed a decrease in grading of 23,550 cubic yards and a reduction of fuel modification of approximately 5.6 acres from the Tract Map that was previously approved in 1991. Any alternative site plan configuration to achieve the same permitted density would result in increased grading and habitat disturbance.
2. The proposed access driveway from Latigo Canyon Road is in the same location as the existing access road for the site and is designed to minimize grading and avoid impacts on the riparian corridor on the eastern side of the property.

Or

- b) *That the oak trees proposed for removal or relocation interfere with utility service or streets and highways either within or outside of the subject property and no reasonable alternative to such interference exists other than removal of the trees:*

1. Four out of the five oaks to be removed are located in close proximity to the existing access road and will need to be removed in order to improve access to the site as required by the Department of Public Works and the Fire Department. Alternative configurations of the driveway that would allow the four oak trees to remain in place would require additional grading and retaining walls causing visual impacts, site disturbance and habitat impacts.
2. The existing oak trees pursuant to the Oak Tree Report are of a B health rating. The mitigation oaks to be planted will be pursuant to the MMP and will be planted according to an oak tree mitigation plan that will be approved by the Senior Biologist at Regional Planning and the County Forester to ensure the ten (10) trees to be planted will be located and maintained such that they will have the potential to achieve maximum size and growth over time.

Or

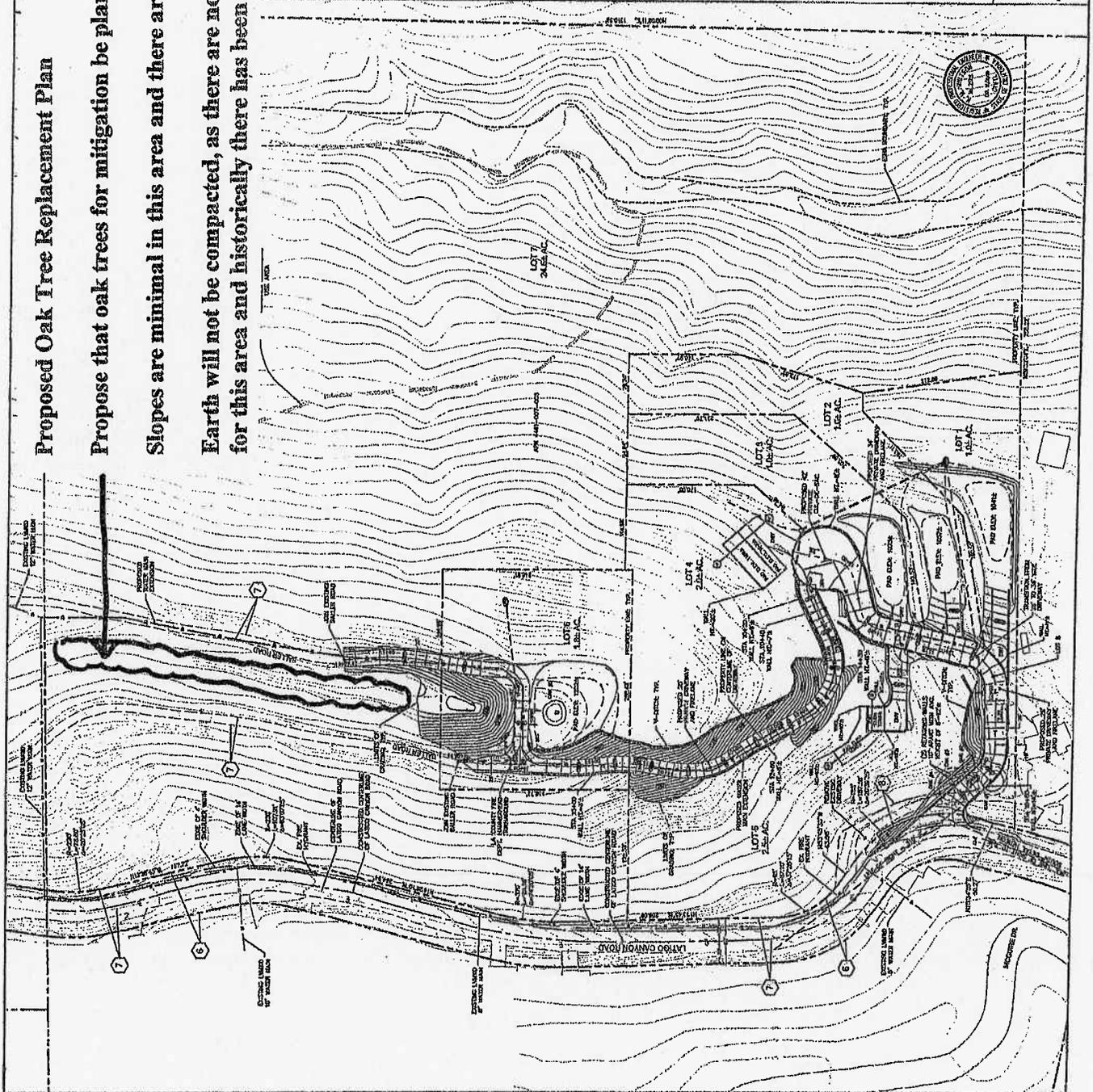
- c) *That the oak trees proposed for removal, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practice.*
 1. The existing oak trees are of B grade health and have historically been encroached upon by the existing access road. Pursuant to recommendations from the ERB on 07/21/2008, the costs of preservation procedures and practice including the transplanting of the oaks would be better spent on replacing the trees as proposed by the applicant.
4. *That the removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.*
 1. The proposed six (6) residential lots subdivision has been designed to reduce grading and site disturbance to the maximum amount feasible. Any alternative site plan configuration would result in increased grading and habitat disturbance.
 2. The final project will result in the planting of at least ten (10) oak trees on site pursuant to the Proposed Oak Tree Replacement Plan submitted to Regional Planning on 11/26/2008 and subject to approval by the County Biologist. The implementation of the oak tree mitigation plan will result in a greater cumulative number of healthier oak trees.

Proposed Oak Tree Replacement Plan

Propose that oak trees for mitigation be planted along the ridgeline.

Slopes are minimal in this area and there are several oaks existing on the ridge now

Earth will not be compacted, as there are no proposed grading operations propose for this area and historically there has been no grading in this area as well.



TR34289
11-26-08



Bruce Malinowski
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TO: Coastal Environmental Review Board (ERB) Members
FROM: Dr. Shirley Imsand, Coordinator
SUBJECT: MEETING NOTICE/AGENDA

The next meeting of ERB is scheduled for:

Day/Date: Monday, July 21, 2008
Time: 1:00 P.M.
Place: DEPARTMENT OF REGIONAL PLANNING
Hall of Records, Room 1385
320 West Temple Street
Los Angeles, CA 90012

Please park in Lot 11 located at 227 N. Spring, entering from Spring; or Lot 26 located at 120 S. Olive, entering from 1st Street; both are operated by 5-Star Parking Services. Please call (213) 974-6461 to confirm attendance at scheduled meeting for reserved parking validation.

AGENDA

1. 1:00 p.m. Approval of the ERB Minutes of 9 June 2008.

NEW BUSINESS

2. 1:15 p.m. **Case No. RPPT200702045, Project No. R2007-03187, APN 4448-011-036**
Location: 2515 Hawks Nest Trail, Topanga 90290
Applicant is Sarbojit Mukherjee; Agent is Sean Nguyen of EZ Permits

Review a proposal of a new single-family residence on a lot of approximately 102,175 sq.ft. for a 2-story residence of 2486 sq.ft. The water source is public, Las Virgenes Municipal Water, and the proposed residence will have a private sewage disposal system. The grading will be 116 cu.yd. of cut, 70 cu.yd. of fill. The plans show a detached 2-car garage site, but the plans do not give further details about the overhead area of the garage. The cover letter says it will be a guest house (without kitchen). The construction trailer has been removed from the site until a building permit is obtained. The building on the site (shed) will eventually be removed. Plans also show retaining walls and driveway, which will affect the Significant Watershed. The project site is located in a very high fire hazard severity zone (Zone 4). There are no known oak trees on the site. The parcel is in the Malibu Coastal Zone and subject to Topanga Canyon CSD.

Resource Category: Significant Watershed, Topanga Canyon

If you require reasonable accommodations or auxiliary aids and services such as material in an alternate format or a sign language interpreter, please contact the ADA (American with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least five business days notice.

3. 2:15 p.m.

Case No. RPP200800468, APN 4443-004-002

Location: 18407 Clifftop Way, Malibu 90265

Applicant is Scott Joyce of Scott Joyce Design (for Steve & Teri Carcano)

Review a proposal for additions and conversion for an existing single-family residence structure and addition of swimming pool and spa on a 10,297 sq.ft. lot. The applicant seeks to improve and legalize conversion of the existing garage. The residence is in the Malibu Coastal Zone and on a cliff above a tributary of the Topanga Canyon Significant Watershed. Proposed improvements are the following:

1. Two-story addition on a new garage (655 sq.ft. addition to second story living space over a 427 sq.ft. garage).
2. Conversion of existing garage into a den (473 sq.ft.)
3. Create a new swimming pool and spa.
4. Install a proposed 6-ft. high block wall.

The project and setbacks comply with the CC&Rs of the Property Owners' Association.

Resource Category: Significant Watershed, Topanga Canyon

OLD BUSINESS

4. 3:15 p.m

Vesting Tentative Tract Map No. 34289 (Continued)

Location: Latigo Canyon Rd at junction with Baller Road

Applicant: Donald Schmitz of Schmitz Associates

A proposed subdivision for eight (8) lots, six (6) for residential, one (1) for open space conservation and one (1) for street access to the site, is proposed over 34.4 gross acres located in Malibu. The amount of grading proposed is for 19,650 cubic yards of cut, and 875 cubic yards of fill. An oak tree permit (*Case no. ROAKT 200700011*) has been filed for the proposed removal of 4 oak trees on site, along with an oak tree replacement plan situated along the property's frontage with Latigo Canyon Road. The project site is located in a very high fire hazard severity zone (Zone 4). A biological constraints analysis (BCA) has also been prepared for the proposed development. Primary access to the site will be directly from Latigo Canyon Road which will serve Lots 1 through 5, with a secondary access point to serve Lot 6 through an off-site access easement over Baller Road, a private street, which will also connect to Latigo Canyon Road. This site is identified by Los Angeles County Assessor's Parcel Number 4461-007-008. The Latigo Canyon Creek ESHA (Environmentally Sensitive Habitat Area), as designated under the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program, is located within the boundary of the project's proposed Lot 7 area, running north to south.

Resource Category: Latigo Canyon Creek ESHA

OTHER MATTERS

4. Public comment pursuant to Section 54954.3 of the Government Code.

If you require reasonable accommodations or auxiliary aids and services such as material in an alternate format or a sign language interpreter, please contact the ADA (American with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least five business days notice.



**MINUTES OF THE COASTAL ENVIRONMENTAL REVIEW BOARD (ERB)
MEETING OF JULY 21, 2008**

(Approved by ERB as amended, 22 September 2008)

PERSONS IN ATTENDANCE:

ERB MEMBERS

Rosi Dagit (absent)
Dr. Noël Davis
Ron Durbin (Deputy Forester, ERB member applicant)
Suzanne Goode
Dr. Margot Griswold
Richard Ibarra (absent)
Dr. Travis Longcore
David Magney (absent)
John Todd, Chief, Forestry

REGIONAL PLANNING STAFF

Rudy Silvas (former ERB coordinator)
Dr. Shirley Imsand (Biologist, ERB coordinator)
Jeff Juarez (ERB Alternate)

ROAKT 200600077, 1135 Topanga Canyon Road, letter of appeal

No representative

**Case No. RPPT200702045, Project No. R2007-03187, APN 4448-011-036
2515 Hawks Nest Trail, Topanga 90290**

No representative

**Case No. RPP200800468, APN 4443-004-002
18407 Clifftop Way, Malibu 90265**

Kyoko Hibino of Scott Joyce Design (310) 289-4999

Vesting Tentative Tract 34289

Don Schmitz of Don Schmitz Associates (310) 589-0773
Matt Dzurec of Don Schmitz Associates (310) 589-0773

AGENDA ITEMS & PAGINATION:

1. Minutes of April 21, 2008.
2. Minutes of June 9, 2008.

First order of OLD BUSINESS

3. ROAKT 200600077, 1135 Topanga Canyon Road, letter of appeal, pp. 4-5, Appendices A-C, pp. 16-20

NEW BUSINESS

4. Case No. RPPT200702045, Project No. R2007-03187, APN 4448-011-036
2515 Hawks Nest Trail, Topanga 90290, pp. 6-8
5. Case No. RPP200800468, APN 4443-004-002,
18407 Clifftop Way, Malibu 90265, pp. 9-10

Second order of OLD BUSINESS

6. Vesting Tentative Tract 34289, Latigo Cyn Road & Ballmer Road, pp. 11-15

OTHER MATTERS

7. Public comment pursuant to Section 54954.3 of the Government Code.

NOTE: ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH IS USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN BIOTA REVISIONS MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.

ERB MINUTES
21 July 2008

AGENDA ITEMS

- 1. Minutes of April 21, 2008**, were amended electronically. "Multi-stemmed multiberry" was corrected to "multi-stemmed toyon." Chief Todd moved to approve the minutes, and the motion was seconded by Suzanne Goode.
- 2. Minutes of June 9, 2008**, were amended to standard discussion of fuel modification, drainage, and lighting. Chief Todd moved to approve the minutes as amended, and the motion was seconded by Suzanne Goode.

Second order of OLD BUSINESS**6. Case No.** Vesting Tentative Tract Map No. 34289, APN 4461-007-008**Retroactive Oak Permit ROAKT 200700011****Location:** Latigo Canyon Road near intersection with Baller Rd (private), Malibu**Applicant:** Don Schmitz of Schmitz Associates, representing C.Reddy

Request: A proposed subdivision for eight (8) lots, six (6) for residential, one (1) for open space conservation and one (1) for street access to the site, is proposed over 34.4 gross acres located in Malibu. The amount of grading proposed is for 19,650 cubic yards of cut, and 875 cubic yards of fill. A retroactive oak tree permit has been filed for the proposed removal of 4 oak trees on site, along with an oak tree replacement plan situated along the property's frontage with Latigo Canyon Road. The project site is located in a very high fire hazard severity zone (Zone 4). A biological constraints analysis (BCA) has also been prepared for the proposed development. A revision of the initial proposal for access to the site will be to all 6 houses directly from Latigo Canyon Road, connecting in to Baller Road, which will continue on to 5 houses beyond the current subdivision. The initial part of Baller Road will be unused and can revert to natural habitat. The Latigo Canyon Creek ESHA (Environmentally Sensitive Habitat Area), as designated under the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program, is located within the boundary of the project's proposed Lot 7 area, running north to south.

Resource Category: Environmentally Sensitive Habitat Area (ESHA), Latigo Canyon

Notes: Second review of submitted plans. First reviewed on 6 June 2008.

Mr. Schmitz reviewed the history of the 35.8-acre project area. It will be bordered on three sides by the Mar Vista subdivision, which has comparable lots of 5,000-10,000 sq.ft. and homes of 2000-6000 sq.ft. Schmitz homes will be in earthtones in contrast to the Mar Vista homes. The subdivision parcel was first graded in the 1960s, and again in 1980 when it was proposed as a 12-unit subdivision that was approved by Los Angeles County Planning Dept.; presented again in 1990 as a 9-unit subdivision that was again approved by Los Angeles County Planning Dept. and also by Coastal Zone Management in 1991 with 37,000 cu.yd. of grading. The grading disturbance persists as demonstrated by a 2006 aerial view.

Now in 2008 the project is presented as a more clustered 6-unit subdivision which includes a 17-acre area dedicated as open space. The applicant says that the construction will not be in the Latigo Canyon watershed, although the property does include the creek bed and ESHA. According to Malibu Local Coastal Plan policy 57, ESHA areas are understood to be only the stream base boundaries. Latigo Canyon is not considered a "significant watershed."

All drainage in the new plans will be directed to the southern part of the subdivision. The new drainage plan captures 100% of a 3/4-in. storm and uses vegetative swales headed by 3-4-ft. filters that can even filter motor oil. They will be maintained yearly by a maintenance contract. A Los Angeles County hydrology unit review has determined that the plan will meet Standard Urban Stormwater Mitigation Plan (SUSUM) requirements. The plans include use of ECIO velocity dissipators. Rip-rap will be used at culvert discharge points.

Grading will now be 20,000 cu.yd. of cut and 875 cu.yd. of fill, which will chiefly be for constructing the new 20-ft. wide connection from Latigo Canyon Road to private Baller Road. This satisfies Fire Department standards for 11 homes, 6 in the current subdivision and 5 existing homes beyond. The existing, 10,000 sq.ft. house pads need little grading. The sixth (N) pad is close to Baller Road in a flat area that requires little grading, so extending the new driveway to it requires the least landform alteration. The N site is not easily clustered with the others.

The new proposed entry will have 310 ft. line-of-sight to the N and 320-ft. line-of-sight to the south, which satisfies the 300-ft. minimum line-of-sight requirement for a 35 mph road (Latigo Canyon Road's posted speed limit). The maximum slope on the new driveway is 20% for less than 150-ft. total distance and overall slope is less than the 17% required. The initial part of Baller Road will be unused and can revert to natural habitat. Mr. Schmitz is considering restoring the part owned by his client Mr. Reddy. The newly sited drive will have a more natural contour and reduce hardscape cover by making one road out of the first-proposed two roads.

There will be a civil suit with Mr. Doyle over drive positioning.

The new siting of the driveway and Baller Road will still remove the four oak trees. The new mitigation site has not yet been determined.

The home lots will not have conservation easements due to complications of public access and fuel modification requirements concomitant with that kind of easement. Such easements could be attached to the conservation parcels.

ERB Meeting Date: July 21, 2008

ERB Evaluation: Consistent X Consistent after Modifications
 Inconsistent No decision

ERB Recommendations:

On revised plot plans show all parcels, and minimize the number of dwellings according to Malibu Local Coastal Plan (MLCP) and hillside management ordinances.

Grading plan must show percentage of grading in different areas, especially Baller Road, the proposed driveway, and the pads.

The Baller Road retirement should be included in the project and revegetation plan should be described. Regrading to a natural slope is a good plan. The other property owner(s) and easement owners should be canvassed to see if they might agree to a conservation easement in this part of Baller Road.

The slope landscaping in the fuel modification areas and Baller Road retirement should be a mosaic planting of deep-rooted, perennial natives that will hold the soil. ERB recommends natives for landscaping. These should not be chamise nor sage, which are both flammable. Choose drought-tolerant plants when landscaping. For example, Coast Live Oaks are recommended over Sycamores. The oaks use less water and provide better shade. Too much water use on a site attracts the invasive Argentine Ants, which damage the ecosystem, destroying the food chain for native animals such as the Horned Lizard. Low water use also deters gophers.

The slope landscaping in the fuel modification areas shall be a mosaic planting of deep-rooted, perennial natives that will hold the soil.

Refer to

(1) the CNPS (California Native Plant Society) website for guidance (especially good for botanic gardens where native plants can be seen and for nurseries that carry native plant stock):

<http://www.cnps.org/>

and (2) the Los Angeles County Fire List:

<http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp>

The oak tree report statistics must be corrected. The oak tree measurements seem off. The diameters given do not match the appearance of the trees. Perhaps circumferences were not converted to diameter.

ERB believes that the money spent on transplanting the existing oaks would be better spent for new oaks and revegetation. Non-heritage oaks require 2 oaks planted for every 1 removed. (Heritage oaks require 10 replaced:1 removed.) A plan must be in place for 5 years of care after planting.

The oak tree mitigation plan for oak replacement must be approved.

A fuel modification plan is needed that shows zones with dimensions. Zones A & B need to be defensible staging areas for fire fighting. 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 out to 200 ft. width (measured from structure or to property line), mosaic of thinned, clumped, native vegetation, pruned on a

staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

In preparing Zone C by fuel modification:

1. Retain as many non-sprouting species as possible. (They usually have a single trunk.) Remove as few as possible of this type. Do not cut off the trunk in pruning, as this kills the plant.
2. Choose multiple-trunked, resprouting species for removal over non-sprouters. The multiple-trunked remaining shrubs should be pruned in a staggered, clumped pattern on a staggered schedule, allowing 2-3 years between prunings for any one clump. The resprouting species should be pruned to near ground level.

For native plants, refer to

(1) the CNPS (California Native Plant Society) website for guidance (especially good for botanic gardens where native plants can be seen and for nurseries that carry native plant stock):

<http://www.cnps.org/>

and (2) the Los Angeles County Fire List:

<http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp>

Ten (10)-ft. clearance is needed along the sides of access roads. Vegetation may be allowed in some steep areas to hold the road in place.

Drainage plans need to show capacity to capture and retain 100% of hardscape runoff from a 3/4-in. storm, capturing both irrigation and rainfall on the site.

Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5-3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector. Lighting will be again reviewed for individual houses.

The conservation easement(s) should be done as a deed restriction on the conservation parcel(s), with development rights explicitly revoked.

Staff Recommendation: Consistent Consistent after Modifications
 Inconsistent No decision

Suggested Modifications:

- Comply with all ERB recommendations.

- The County now addresses issues of removal of oak woodlands to comply with California state legislation Public Resources Code (PRC) §21083.4 and maintenance of carbon sequestration for biological emission control (of carbon dioxide, CO₂). An oak woodland is any stand of oak trees (two or more with diameter-at-breast-height (DBH) of 3 inches or more) with the boundaries of the driplines covered by 10% or more of the trees' canopies. Therefore, this project is removing oak woodland. Although the exact definitions and code for compliance are currently at the planning stage, the County has determined that the outlined mitigation in this project (planting of mitigation oaks in the possible retirement of Baller Road) would satisfy the objective of maintaining or even expanding coverage of oak woodland. Before approval of the Los Angeles County Oak Woodland Conservation Plan, the County needs to have the ERB (with the Forestry member present) approve an Oak Woodland mitigation document for this project, a document which explains the project plan for replacement of oak woodland removed.

The document should detail:

1. Location
 2. Substrate details such as soil type, moisture, compaction, slope orientation, appropriateness for oak woodland
 3. Number, species type, and size of oaks to be planted
 4. Maintenance provisions (including funding) for at least seven (7) years
 5. Alternative plans if the planned location is not secured.
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TO: Environmental Review Board (ERB) Members
FROM: Rudy Silvas, Coordinator
SUBJECT: MEETING NOTICE/AGENDA

The next meeting of ERB is scheduled for:

Day/Date: Monday, June 9, 2008
Time: 1:00 P.M.
Place: DEPARTMENT OF REGIONAL PLANNING
Hall of Records, Room 1385
320 West Temple Street
Los Angeles, CA 90012

Please park in Lot 11 located at 227 N. Spring, entering from Spring; or Lot 26 located at 120 S. Olive, entering from 1st Street; both are operated by 5-Star Parking Services. Please call (213) 974-6461 to confirm attendance at scheduled meeting for reserved parking validation.

AGENDA

1. 1:00 p.m. **Approval of the ERB Minutes of April 21, 2008**

NEW BUSINESS

2. 1:15 p.m. **Vesting Tentative Tract Map No. 34289** – A proposed subdivision for eight (8) lots, six (6) for residential, one (1) for open space conservation and one (1) for street access to the site, is proposed over 34.4 gross acres located in Malibu. The amount of grading proposed is for 19,650 cubic yards of cut, and 875 cubic yards of fill. An oak tree permit (*Case no. ROAKT 200700011*) has been filed for the proposed removal of 4 oak trees on site, along with an oak tree replacement plan situated along the property's frontage with Latigo Canyon Road. The project site is located in a very high fire hazard severity zone (Zone 4). A biological constraints analysis (BCA) has also been prepared for the proposed development. Primary access to the site will be directly from Latigo Canyon Road which will serve Lots 1 through 5, with a secondary access point to serve Lot 6 through an off-site access easement over Baller Road, a private street, which will also connect to Latigo Canyon Road. This site is identified by Los Angeles County Assessor's Parcel Number 4461-007-008. The Latigo Canyon Creek ESHA (Environmentally Sensitive Habitat Area), as designated under the Sensitive

If you require reasonable accommodations or auxiliary aids and services such as material in an alternate format or a sign language interpreter, please contact the ADA (American with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least five business days notice.

Environmental Resources Overlay Zones area of the Local Coastal Program, is located within the boundary of the project's proposed Lot 7 area, running north to south.

OLD BUSINESS

3. 2:15 p.m. **Plot Plan RPPT 200702078** – A continued review of a proposed new single family residence with a pool, spa, and a detached 688 square foot three car garage on land that is presently vacant. The plan has been revised to reduce the size of the residence from 7,070 total square feet down 6,466 total square feet. A new fuel modification plan and irrigation plan have also been submitted for review. The address of the site is 2525 Hawks Nest Trail, Topanga. The lot size is approximately 2.8 acres. A new grading plan submitted indicates 4,273 cubic yards of cut proposed, and 208 cubic yards of fill. Although the residence and appurtenant retaining walls have been repositioned, the residence will still be constructed on an existing pad served by an existing gravel driveway. The driveway to the site, which requires off site access easements for connection over a neighboring parcel and to Hawks Nest Trail, will be improved to a 20 foot width. The southern section of the site is within a Significant Watersheds Residential – Resource Dependent Uses area of the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program.

4. 3:15 p.m. **ROAKT 200600077** - A continued review for a retroactive oak tree permit application for constructed accessory structures to an existing hair salon/boutique, retail and residence, with encroachment into the protective zones of existing oak trees. This site is located at 1135 N. Topanga Canyon Boulevard, within an Environmentally Sensitive Habitat Area (ESHA) and an Oak Woodlands and Savannahs Area of the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program.

OTHER MATTERS

5. Public comment pursuant to Section 54954.3 of the Government Code.



**MINUTES OF THE COASTAL ENVIRONMENTAL REVIEW BOARD
(ERB)**

MEETING OF JUNE 9, 2008
(Approved as amended by ERB on 21 July 2008)

PERSONS IN ATTENDANCE:

ERB MEMBERS

Rosi Dagit
Dr. Noël Davis (absent)
Ron Durbin (Deputy Forester, ERB member applicant)
Suzanne Goode
Dr. Margot Griswold (absent)
Richard Ibarra
Dr. Travis Longcore
David Magney (absent)
John Todd, Chief, Forestry

REGIONAL PLANNING STAFF

Rudy Silvas (ERB coordinator)
Dr. Shirley Imsand (Biologist)
Jeff Juarez (ERB Alternate)
Tyler Montgomery (Planner)
Gina Natoli (ERB Alternate)

Vesting Tentative Tract 34289

Don Schmitz	(310) 589-0773
Steve Nelson	(909) 396-8478
Mike Doyle	(310) 457-7687
John Fletcher	(310) 457-2689

Plot Plan RPPT 200702078

Rui Cunha	(310) 463-5339
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ROAKT 200600077

Robbin Hayne	(310) 456-0050
Tanis Paul	(310) 456-0050

Pagination:

Vesting Tentative Tract 34289, Latigo Canyon & Baller Roads, pp. 3-6

Plot Plan RPPT 200702078, 2525 Hawks Nest Trail, pp. 7-10

ROAKT 200600077, 1135 Topanga Canyon Road, pp. 11-13

**ERB MINUTES
JUNE 9, 2008**

AGENDA ITEMS

1. Minutes of April 21, 2008, will be prepared for next meeting, July 21, 2008.

NEW BUSINESS

2. Vesting Tentative Tract Map No. 34289 – see ERB Minutes below, pages 3-6

OLD BUSINESS

3. Plot Plan RPPT 200702078 – see ERB Minutes below, pages 7-10 and ERB Minutes 25 Feb 2008, p. 6-7/9

4. ROAKT 200600077 – see ERB Minutes below, pages 11-13 and ERB minutes April 12, 2008.

OTHER MATTERS

5. Public comment pursuant to Section 54954.3 of the Government Code.

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Case No. Vesting Tentative Tract Map No. 34289
Retroactive Oak Permit ROAKT 200700011

Location: Latigo Canyon Road near intersection with Baller Rd (private), Malibu

Applicant: Don Schmitz of Schmitz Associates, representing C.Reddy

Request: A proposed subdivision for eight (8) lots, six (6) for residential, one (1) for open space conservation and one (1) for street access to the site, is proposed over 34.4 gross acres located in Malibu. The amount of grading proposed is for 19,650 cubic yards of cut, and 875 cubic yards of fill. An oak tree permit (*Case no. ROAKT 200700011*) has been filed for the proposed removal of 4 oak trees on site, along with an oak tree replacement plan situated along the property's frontage with Latigo Canyon Road. The project site is located in a very high fire hazard severity zone (Zone 4). A biological constraints analysis (BCA) has also been prepared for the proposed development. Primary access to the site will be directly from Latigo Canyon Road which will serve Lots 1 through 5, with a secondary access point to serve Lot 6 through an off-site access easement over Baller Road, a private street, which will also connect to Latigo Canyon Road. This site is identified by Los Angeles County Assessor's Parcel Number 4461-007-008. The Latigo Canyon Creek ESHA (Environmentally Sensitive Habitat Area), as designated under the Sensitive Environmental Resources Overlay Zones area of the Local Coastal Program, is located within the boundary of the project's proposed Lot 7 area, running north to south.

Resource Category: Environmentally Sensitive Habitat Area (ESHA), Latigo Canyon

Notes: First review of submitted plans.

The applicant passed out copies of his PowerPoint presentation and presented the history of the 35.8-acre project area. It was first graded in the 1960s; presented in 1980 as a 12-unit subdivision that was approved by Los Angeles County Planning Dept.; presented again in 1990 as a 9-unit subdivision that was again approved by Los Angeles County Planning Dept. and also by Coastal Zone Management in 1991. Now in 2008 it is presented as a more clustered 6-unit subdivision which includes a 17-acre area dedicated as open space. The applicant says that the construction will not be in the Latigo Canyon watershed, although the property does include the creek bed and ESHA. According to Malibu Local Coastal Plan policy 57, ESHA areas are understood to be only the stream base boundaries. Latigo Canyon is not considered a "significant watershed." The project parcel has a water main in place. Grading will be 19,650 cu.yd. of cut and 875 cu.yd. of fill, which will chiefly be for constructing a new driveway to five (5) of the six (6) houses and widening the existing private Baller Road to 20 ft. width along the ridgeline for access of the 6th house and for other residents that use the road and live beyond the project property. The existing, 10,000 sq.ft. house pads need little grading. They are too small for equestrian facilities' separation (25 ft. minimum)

from the main house. The proposed new driveway will be required to be 28-32 ft. wide due to the steepness of the access (in accord with DPW requirements). It was positioned to give maximum line-of-sight for entry of vehicles onto the main Latigo Canyon Road. The new driveway will require tall retaining walls. Only the lot subdivision is involved in the current project. Homes will be individually planned at a later time. The home lots will not have conservation easements due to complications of public access and fuel modification requirements concomitant with that kind of easement. Such easements could be attached to the conservation parcels.

Notes:

Mr. John Fletcher, attorney for Mr. Mike Doyle who is a southern neighbor of the project, presented Mr. Doyle's problem with the proposed new driveway. Mr. Doyle has large trucks and trailers which cannot negotiate the turns and steep retaining walls that the new driveway would need. He currently uses a driveway easement on the subdivision property, positioned N of his property on Latigo Canyon Road, that has no retaining walls, less sharp curves, but a reduced line-of-sight for entry onto Latigo Canyon Road. The proposed new driveway would in part obliterate the old driveway and in part be positioned on top of part of the old driveway. The new driveway will have a large retaining wall adjacent to Mr. Doyle's property, and the driveway will be perpendicular to Mr. Doyle's current access, so he may not be able to use the driveway with his large vehicles. The new retaining wall would reduce his line-of-sight access from his house. He anticipates increased noise due to widening of Baller Road and attractiveness of new driveway for joyriders.

ERB Discussion:

The number of dwelling pads should be minimized due to overall steepness of the property, and hillside management and Malibu Local Coastal Plan (MLCP) should be followed to determine number of dwellings permissible. The MLCP supersedes the hillside management ordinances, but with no provision in the MLCP, the hillside management ordinances for density should be followed.

All parcels must be clearly illustrated on the plans.

A grading plan should be presented, showing % of grading in different areas, in particular, cuts to roads and pads. The 1000 ft. improvement and widening of Baller Road and the grading of the driveway is not in accord with the maximum allowed in the Malibu Local Coastal Plan (300 ft. length maximum), and the suggested amount of grading is judged by previous experience to potentially be damaging to the biota of the ESHA, Latigo Canyon.

The proposed widening and improvement of Baller Road would be a step towards encouraging further development and human population growth in the area, and should be avoided if possible.

The fire department approves the proposed increased line-of-sight for the driveway access.

The oak trees need to be better tabulated. Some known to be on the site are missing from the oak tree report.

Relocation of the proposed new driveway so that removal of 4 oak trees could be avoided would be preferred. Alternatively, the ERB believes the oaks could be transplanted, if necessary.

The proposed area for mitigation planting of new oaks is not appropriate for them to prosper, judging from the lack of oaks currently on the area and the slope. The biota consultant should provide some new suggestions for mitigation planting.

A drainage plan is needed with capacity to capture 100% of a 3/4-in. storm, capturing both irrigation and rainfall runoff from roofs, driveways, and any other hardscape. For drainage and runoff control, ERB recommends using cistern(s) to capture and store 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 beneath driveways. A cistern below a driveway may require a permeable driveway.

Drainage plans should include the scheme for providing water and other utilities, including provision to Mr. Doyle, the southern neighbor. For a fire hydrant system, the project must have a 12 in. main line.

Fuel modification plans are needed. The reduction of fuel modification from previous plans is good. New fuel modification recommendations should be followed. The slope landscaping should be a mosaic planting of deep-rooted, perennial natives that will hold the soil. Oaks are not appropriate for the fuel modification areas in that repeated clearing beneath oaks may damage them.

Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5-3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.

The conservation easement should be done as a deed restriction on the conservation parcel(s).

Applicant is requested to provide a three-dimensional scale model to better enable visualizing the proposed project.

ERB Meeting Date: June 9, 2008

ERB Evaluation: Consistent Consistent after Modifications
 Inconsistent X No decision

ERB Recommendations:

Per ERB: On revised plot plans show all parcels, and minimize the number of dwellings according to Malibu Local Coastal Plan (MLCP) and hillside management ordinances.

- Per ERB: The number of dwelling pads should be minimized due to overall steepness of the property, and hillside management ordinances should be followed to determine number of dwellings permissible.
- Per ERB: Redesign so that the amount of grading is reduced, and the grading should be an important consideration in future review of this project. The grading plan should show percentage of grading in different areas, especially Baller Road, the proposed driveway, and the pads.
- Per ERB: Relocate the proposed driveway to enable less grading and lessen oak removal.
- Per ERB: Submit an Oak Tree Report that shows all oak trees present on the site.
- Per ERB: Oak trees removed should be transplanted.
- Per ERB: The arborist should recommend alternatives for oak tree planting mitigation.
- Per ERB: Submit drainage plans that show 100% retention of runoff, preferably 100% at each separate house site and parcel. Include water and utility provision. For drainage and runoff control, ERB recommends using cistern(s) to capture and store the first $\frac{3}{4}$ inch of stormwater for irrigation and fire-fighting purposes. Consult www.oasisdesign.net for examples of ideas on cistern systems design. Placement of a cistern below a driveway may require a permeable driveway.
- Per ERB: The slope landscaping in the fuel modification areas should be a mosaic planting of deep-rooted, perennial natives that will hold the soil.
- Per ERB: Exterior night lighting should be minimized to what is necessary, should be of low intensity (lights not exceeding 800 lumens), should be of low stature (2.5-3 ft.), should be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW requires no lighting, then none should be used. Security lighting, if used, shall be on an infrared detector.
- Per ERB: The conservation easement or covenant shall be done on the conservation parcel(s). There should be explicit statements that these parcel(s) has(have) no development rights.
- Per ERB: Applicant is requested to provide a three-dimensional scale model that will enable visualization of the project, especially the grading and retaining walls.

From: Richard Ibarra <treésetc.richard@verizon.net>
Subject: **RE: Next ERB meeting**
Date: June 6, 2008 8:02:26 AM PDT
To: "Silvas, Rudy" <rsilvas@planning.lacounty.gov>, ndavis@chambersgroupinc.com, earthworks@telis.net, Longcore@urbanwildlands.org, david@magney.org, sgood@parks.ca.gov, oaksrus@mac.com, JTodd@fire.lacounty.gov, rdurbin@fire.lacounty.gov
Cc: "Imsand, Shirley" <SImsand@planning.lacounty.gov>

Good morning to all:

Yesterday (6/5/08) I visited the "VTT 3428" project. The following are my notes from that visit:

1. This project is being submitted for our review by **Don Schmitz**.
2. There is a resident, Mr. Mike Doyle is the man that lives in this house (according to him he has lived there for 40 years), that abuts this project to the immediate south.
3. Mr. Doyle enters his residence from a driveway that enters across this project from Latigo Canyon Rd. This driveway, according to him is within an easement that parallels Latigo.
4. This project proposes to construct a "very steep" driveway, with walls up to 12' high that would also enters from Latigo. The new driveway would "cut off" the access that Mr. Doyle currently uses to get to the "outside world". This new driveway is the reason for the removal of 4 Coast Live Oaks. I don't understand why the project can't use the same driveway that already exists at this site, aside from the issue that it may too narrow in its present configuration. In my review of the plans, it appears that it can be widened without Oak tree removal.
5. The project Oak Tree Report (OTR) covers 5 Coast Live Oaks. Within 200' of proposed construction (as required by LACo as part of the review), there are at least another 4-5 "live" Coast Live Oaks that the report overlooked. The reported tree #5, along with these new trees, were heavily burned in the most current fire that ravaged the Malibu area.
6. The OTR shows a general location as to where the mitigation trees are to be planted. It is my recommendation that this location be denied as this is not, in my professional opinion, a suitable location for these new mitigation trees. The OTR also states that proposed removal trees 1-4 are not suitable for transplanting. I don't know why the arborist makes these statements in the first place, but I completely disagree with them!
7. **Rosi** > I did take some photos (which I will bring) that may be better than the "black & white copied photos" that can be found in the Biological & Oak reports. The larger "noticeable" plant material, aside from the Oaks, that I found to be existing at the site are: Beavertail Cactus, Mexican Elderberry, California Pepper, S.C. Black Walnuts, Ceanothus, Toyon, Giant Rye, and Mustard. **Rudy** > can you try to get the "original type" photos from these reports for our review?

=Richard=

Richard Ibarra
RDI & Associates, Inc.
(dba TREES, etc.)
P.O. Box 4583



Dedicated to Providing Quality
Water & Wastewater Service

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4232 Las Virgenes Road
Calabasas, CA 91302
(818) 251-2100
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MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
SOUTHERN CALIFORNIA

December 23, 2008

CONDITIONAL STATEMENT OF WATER SERVICE

TO WHOM IT MAY CONCERN:

SUBJECT: Vesting Tentative Tract Map 34289
Assessor Parcel Number: 4461-007-008

This is to advise you that the proposed water system for the subject property will be operated by Las Virgenes Municipal Water District (LVMWD).

This project will be assured of connection to the water system of the district only if the proponent also satisfies all terms and conditions for service as set forth in the district's Code.

If the applicant's property cannot be served from an existing water main, then the applicant shall provide for the extension of the facilities necessary to provide such service in the manner set forth in Title 3 of the Las Virgenes Municipal Water District Code, Ordinance No. 11-86-161.

Sincerely,

Phyllis Southard
Planning & New Development Technician





LERROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 11, 2007

RECEIVED
JUL 23 2007

Mr. Paul McCarthy
Supervising Regional Planner- Impact Analysis
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. McCarthy:

**LATIGO CANYON ROAD AND OCEAN VIEW DRIVE, MALIBU
NOTICE OF CONSULTATION TO ADOPT NEGATIVE DECLARATION**

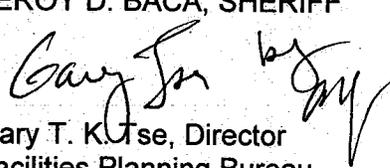
This is in response to your notice dated June 1, 2007, requesting comments from the Malibu/Lost Hills Sheriff's Station regarding the Notice of Consultation to Adopt a Mitigated Negative Declaration for the application to subdivide into 8 residential lots, the property located in the Hillside area of Malibu, at Latigo Canyon Road and Ocean View Drive. For our comments, please see the attached letter from Captain Thomas G. Martin of the Malibu/Lost Hills Sheriff's Station.

In summary, the Station anticipates that this project will not result in the need for additional staffing or modifications to the Station facility. Specific concerns, however, are raised with regard to the visibility of approaching traffic for residents leaving the proposed development, and the use of warning signs and traffic control personnel during construction. We reserve the right to address these and other issues in future reviews.

Should you have any additional questions regarding this matter, please contact Tom Bellizia, of my staff at (626) 300-3021.

Sincerely,

LERROY D. BACA, SHERIFF


Gary T. K. Tse, Director
Facilities Planning Bureau

A Tradition of Service

Mr. Paul McCarthy

-2-

July 11, 200

GTKT:TB:/jh

Attachments

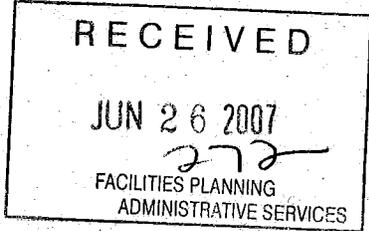
Cc: Glen Dragovich, Assistant Division Director, ASD
Adrienne Ferree, Assistant Director, FPB
Captain Thomas G. Martin, Malibu/Lost Hills Station
Sergeant Philip Brooks, Malibu/Lost Hills Station
Tom Bellizia, Project Manager
Chrono
File
(EIR HillsideAreaMalibuTractMap.doc)



Leroy D. Baca, Sheriff

County of Los Angeles Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 6, 2007

Mr. Gary T.K. Tse, Director
Facilities Planning Bureau
1000 South Fremont Avenue, Bldg. A-9E
Alhambra, CA 91803

PROJECT: Latigo Canyon Road and Ocean View Drive, Malibu CUP 79-027

IMPACT ON SHERIFF SERVICES

Law enforcement services for the project area are provided exclusively by the Los Angeles County Sheriffs Department Lost Hills Station. The current ratio for police services in relation to population is 1.3 deputies/1000 residents. The addition of approximately 8 homes would not create a significant impact on the current staffing or require any modifications to the Sheriff's Station.

TRAFFIC IMPACT STUDY

Latigo Canyon Road is a narrow winding hillside roadway in a moderately populated area that is frequently used by motorcycle and sports car enthusiasts. While widening the roadway by fourteen feet is a needed safety improvement, the sight distance north of the proposed roadway is a concern. Residents exiting the new development making a south bound left turn will have limited visibility of south bound traffic. Further improvement of this line of sight by reducing and moving back the hillside from the roadway should be considered.

The project calls for 16,000 yards of cut and only 1,000 yards of fill. If the material is to be moved off sight, the amount of truck movements on Latigo Canyon Road will be significant. This operation will require a significant number of warning signs and traffic control personnel at all of the intersections crossing the roadway.

If you have any further concerns, please feel free to contact Sergeant Philip Brooks at (818) 878-5555.

Sincerely,
LEROY D. BACA, SHERIFF

Thomas G. Martin, Captain
Malibu/Lost Hills Station

A Tradition of Service Since 1850

Org. Subs. File. CC: Gary, Adrainne, Tom

South Central Coastal Information Center
California Historical Resources Information System
California State University, Fullerton
Department of Anthropology
800 North State College Boulevard
Fullerton, CA 92834-6846
(714) 278-5395 / FAX (714) 278-5542
anthro.fullerton.edu/sccic.html

RECEIVED
JUL 30 2007

- Los Angeles
 Orange
 Ventura

**Cultural Resources Records Search
Quick Check**

Lead Agency (Name & Address): County of Los Angeles, Department of Regional Planning

Permit/ Project #: Tract Map No. 34289/ 79-027 Date: May 31, 2007

Case Planner: Rudy Silvas Phone # (213) 974-6461 USGS 7.5' Quad: Point Dume

Brief Project Description (including a project area description):

Subdivision for eight (8) single family lots on 36.3 gross acres of land located east of Latigo Canyon Road and north of Ocean View Drive in the unincorporated area of Malibu, California. An oak tree permit has been filed to remove five oak trees on site to construct a new access driveway.

**** SCCIC INITIAL RECORDS SEARCH ****

- The project area has been (fully) (partially) surveyed by a professional archaeologist and **no** cultural resources were found.
- The project area has been (fully) (partially) surveyed by a professional archaeologist and cultural resources **were** found.
- The project area has not been (fully) surveyed by a professional archaeologist but cultural resources **are** likely to be in the area.
- The project area has not been (fully) surveyed by a professional archaeologist and cultural resources are **not** likely to be in the area.

RECOMMENDATIONS

- A Phase I * archaeological survey should be done by a professional archaeologist prior to approval of project plans.
- A Phase II** testing program for determination of significance.
- A professional archaeologist should be retained to monitor any earth moving operations.
- No archaeological work is needed prior to approval of the project plans. However, a halt-work condition should be in place in the event that cultural resources are discovered during construction.

COMMENTS

The surrounding area is known to be archaeologically sensitive. Due to the project site's proximity to recorded sites and a lack of cultural resources studies for the specific project site, A Phase I archaeological survey is recommended—especially in those areas that will be graded for project access and pad support.

** This Quick Check does not cover cultural heritage sites, either listed or pending, such as historic buildings or points of interest.

** Phase I survey, Phase II testing, and archaeological includes a complete records search, field evaluation, and a final report with results and recommendations.

Date Completed: 7/25/07 Signature: *Margaret Lopez*
Margaret Lopez, Coordinator

Invoice #: 7666.4768

QUICK CHECKS

Quick Checks were developed to be fast and easy way for **city and county planners** to assess the potential for archaeological resources. Quick Checks **were never intended to replace a complete Records Search where both archaeological and historical resources are researched** nor were they meant to be used by historic preservation personnel as anything more than a justification from city and county planners to conduct cultural resources consultations. As indicated on the Quick Check form, Quick Checks do not cover cultural heritage sites, either listed or pending, such as historic buildings or Points of Interest. When a Phase I archaeological survey, Phase II testing project, or archeological monitor is recommended, a complete Records search is a necessary part of the review process.

Quick Checks are requested by: city and county agencies; archaeologists on behalf a city and county agencies through a special city and county agencies on behalf of other of other clients a permit application.

If the invoice should not be billed to a particular city or county agency, please include the appropriate contact name and billing information (address and telephone number). Also include the name of the city/county contact handling the case, as well as a phone number and mailing address. The SCCIC will then send an invoice to the client along with an explanation of the invoice. The request will not be processed until payment has been received.

Please describe the project area conditions in addition to providing brief project descriptions. If any building(s) 45 years and older are within the project area, please note the year the building(s) was built and how it will be affected.

Always include a map indicating the project location-7.5' USGS Topographic Quadrangle or Thomas Brothers.

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



July 13, 2007

RECEIVED
JUL 17 2007

Rudy Silvas
Impact Analysis Section
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Project Number 79-027
8 Single Family Residential lots, east of Latigo Canyon

Dear Mr. Silvas:

The Santa Monica Mountains Conservancy has reviewed the Notice of Consultation regarding Project No. 79-027. The Conservancy finds that proposed lots 5 and 8 would result in significant ecological, viewshed and growth-inducing impacts. Because of these potential significant adverse impacts within the Santa Monica Mountains National Recreation Area, it is necessary to prepare an Environmental Impact Report (EIR) done. The proposed eight lot subdivision would greatly change the character of an area at the edge of a core habitat. Because a project without the impacts associated with lots 5 and 8 would result in a significant reduction in all these types of impacts, alternative projects must be disclosed to decision makers. The proposed layout is growth-inducing because it would create two paved stub roads.

Brush clearance and other non-structural impacts may also cause significant damage to water quality in Latigo creek.

Baller Motorway is recognized as an important trail by the Multiagency Santa Monica Mountains Trails Management Plan Work Group.

Please send the Draft EIR to my attention at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman".

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

MARGARET DONNELLAN TODD
COUNTY LIBRARIAN

July 5, 2007

TO: Rudy Silvas
Impact Analysis Section
Department of Regional Planning

FROM: David Flint 
Assistant Director, Finance and Planning

SUBJECT: **NOTICE OF CONSULTATION
EIGHT SINGLE FAMILY RESIDENTIAL LOTS IN HILLSIDE AREA
LATIGO CANYON ROAD AND OCEAN VIEW DRIVE, MALIBU
PROJECT NO. 79-027; TRACT MAP NO. 34289**

RECEIVED
JUL 09 2007

This is to provide you with written comments on the Notice of Consultation and Initial Study for the above referenced project. The Public Library agrees with your preliminary determination that a Mitigated Negative Declaration is required for the proposed project.

The site of the proposed project is located in the Malibu Library service area of the County of Los Angeles Public Library. The proposed project would create additional demand for library services and would affect the service capacity of the Malibu Library to adequately serve the existing and future residents of its service area. The County Library's current service level guidelines for planning purposes are a minimum of 0.50 gross square foot of library facility space per capita and 2.75 items (books and other library materials) per capita.

In order to mitigate the impact of this project, the applicant will be required to pay the County's library facilities mitigation fee at the time the building permits for the project are issued. The proposed project is located in the Library's Planning Area 7 (Santa Monica Mountains). The current fee for this area effective July 1, 2007 is \$768 per residential unit. Therefore, the applicant would be required to pay a mitigation fee of \$6,144 (\$768 x 8 residential units). Please note that the mitigation fee is adjusted annually based on changes in the Consumer Price Index. The actual fee obligation for this project may be higher because the fee per residential unit will be that in effect at the time the building permits are issued.

Please ensure that this fee obligation is addressed in the mitigation monitoring plan and conditions of approval for this project.

If you have any questions or require additional information regarding this matter, please contact Malou Rubio at (562) 940-8450 or Robert Seal at (562) 940-8422.

DF:MR:mb

U:\STAFFSERVICES\DEVELOPER FEE\EIR\Malibu-Latigo Canyon Rd-Ocean View Dr-NOC.doc

c: Malou Rubio, Staff Services
Robert Seal, Capital Projects

Silvas, Rudy

From: McNamara, Conal [cmcnamara@dpw.lacounty.gov]
Sent: Monday, July 02, 2007 2:11 PM
To: Silvas, Rudy
Cc: Schleikorn, Letty; Contreras, Danielle
Subject: TR 34289

Hi Rudy. We have reviewed this project and have no comments on the environmental or the CUP. Our staff will be reviewing the TTM through the usual process. Thanks!

Conal McNamara, AICP
Los Angeles County Department of Public Works
Land Development Division
(626) 458-4948



DANIEL C. PREECE
Executive Officer

RESOURCE CONSERVATION DISTRICT
OF THE
SANTA MONICA MOUNTAINS

30000 MULHOLLAND HIGHWAY, AGOURA HILLS, CALIFORNIA 91301
MAIL: P.O. BOX 638, AGOURA HILLS, CALIFORNIA 91376-0638
(818) 597-8627 FAX (818) 597-8630

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June 29, 2007

Paul McCarthy, Supervising Regional Planner
Los Angeles County, Department of Regional Planning
320 W. Temple Street
Los Angeles, California 90012
FAX (213) 626-0434
Submitted via FACSIMILE

RE: Project No.: 79-027
Case No.: TRACT MAP NO. 34289; CUP 79-027; ROAK T200700011
8 single family residential lots in hillside area
Latigo Canyon Rd. and Oceanview Dr., Malibu

Dear Department of Regional Planning,

After reviewing the Initial Study, we have the following questions and comments:

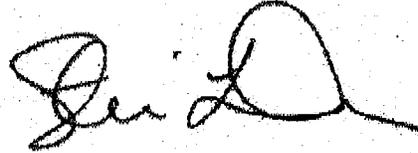
The proposed parcels are within or adjacent to Environmentally Sensitive Habitat Area (ESHA) or identified as Significant Watershed. Given these designations, greater detail is necessary to better understand how impacts can be avoided or minimized to the ESHA for the following:

1. That development is sited and designed to avoid impacts to ESHA particularly that the number of parcels and scope of development is appropriate for the size and location of buildable space, and geologic and biologic features of the parcel and surrounding areas. Protection of ESHA shall take precedence over other development standards.
2. Grading and land form alterations both during and after construction shall not contribute to erosion of hillsides and streambanks, siltation of creeks and wetlands, OR runoff that would increase baseline flows to any receiving waterbody.
3. Installation and location of Onsite Treatment Systems will not impact biological productivity and quality of coastal streams, wetlands, estuaries, and the ocean OR contribute pathogens or nutrients to groundwater or surface water.
4. Fuel modification will not extend into ESHA.
5. Geologic instability due to development on slopes greater than 25% will not contribute to landslides, runoff that would increase baseline flows to any receiving waterbody, erosion of hillsides and streambanks, OR siltation of creeks and wetlands.
6. Construction of access roads will not contribute to landslides, runoff that would increase baseline flows to any receiving waterbody, erosion of hillsides and streambanks, siltation of creeks and wetlands, OR blockage of wildlife corridors.
7. Subdivision is consistent with slope density criteria.

8. Visual resources will not be impacted by development on ridgelines or structures that exceed allowable building heights.

Thank you for the opportunity to comment on this project. If you have questions or concerns, please feel free to contact me at the number listed above.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Stevie L. Adams". The signature is fluid and cursive, with a large, prominent loop at the end.

Stevie L. Adams
Conservation Biologist

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



June 29, 2007

Bruce McClendon
Director of Planning
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, CA 90012

RE: Initial Study (Project No. 79-027) for subdivision of a single 35.80 acre parcel into eight separate parcels, construction of eight new single family residences on hillsides using caisson/grade beam foundations, approximately 17,000 cu. yds. of grading (16,000 cu. yds. of cut and 1,000 cu. yds. of fill), removal of five oak trees, and construction of a new 1,620 linear ft. access road on a vacant parcel along Latigo Canyon Road, Los Angeles County (APN: 4461-007-008)

Dear Mr. McClendon:

Commission staff is in receipt of the Initial Study for the above referenced project which was received by our office on June 1, 2007. We have conducted a preliminary review of the Initial Study and would like to provide your staff with the following comments for your consideration.

As stated in the Initial Study, the pending project would involve the subdivision of a single 35.80 acre parcel into eight separate parcels, construction of eight new single family residences on steep hillsides (with gradients of 25% or greater) using caisson/grade beam foundations, approximately 17,000 cu. yds. of grading (16,000 cu. yds. of cut and 1,000 cu. yds. of fill), removal of five oak trees, and construction of a new 1,620 linear ft. access road.

The project is located within a portion of Los Angeles that is within the Coastal Zone. The project will, therefore, require a coastal development permit from the California Coastal Commission. The County is also required, pursuant to the California Environmental Quality Act Guidelines, to ensure that any environmental impact report, negative declaration, or mitigated negative declaration for the project analyze whether feasible alternatives to the project exist which would serve to avoid or reduce all identified environmentally damaging impacts and whether there are additional measures which may be required to mitigate unavoidable impacts to the maximum degree possible.

The Initial Study states that "the west side of the property is bounded by Latigo Canyon Road and Land on the project site is steep, with grades in excess of

25% and contains chaparral, coastal sage scrub, and willow scrub." In addition, the study also states that "[t]here are many know sensitive species in the area." Based on review of aerial photographs of the subject site, Commission staff note that the native chaparral/coastal sage scrub habitat on site is part of a larger contiguous habitat system which extends offsite to the north and east.

Sections 30107.5 and 30240 of the Coastal Act of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an Environmentally Sensitive Habitat Area (ESHA) determination one must focus on three main questions:

- 1) *Is a habitat or species rare or especially valuable?*
- 2) *Does the habitat or species have a special nature or role in the ecosystem?*
- 3) *Is the habitat or species easily disturbed or degraded by human activities and developments?*

The Coastal Commission has previously found that the Mediterranean Ecosystem in the Santa Mountains is itself rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation. In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in the attached memorandum from the Commission's Ecologist, Dr. John Dixon, dated March 25, 2003, the Commission has previously found that large contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains (such as the subject site) meet the definition of ESHA.

Review of a new subdivision of land in the Santa Monica Mountains should include an analysis of the potential individual and cumulative impacts of the subdivision on all resources on site (including, but not limited to environmentally sensitive habitat, water quality, public access, and scenic public views). In this case, the proposed project site is primarily vegetated with relatively undisturbed native chaparral/coastal sage scrub, which is part of a larger contiguous habitat system which extends offsite to the north and east. Based on the preliminary information in the Initial Study and a review of aerial photographs of the subject site, it appears likely that the subject site constitutes ESHA. Thus development of the subject site is expected to result in potential impacts to ESHA.

The initial study that was prepared by the County for this project determined that that an Environmental Impact Report should not be required because the project

is expected to result in "less than significant impacts with project mitigation." However, Commission staff disagree with this assessment and note that it appears that based on the preliminary information contained in the Initial Study and a review of aerial photographs of the project site, the proposed project would result in significant potential adverse impacts to ESHA and that these impacts could not be adequately mitigated.

Thus, an Environmental Impact Report (EIR) should be required to assess the potential impacts to sensitive resources that would result from the proposed project. In addition, the EIR should fully evaluate all feasible alternatives to the proposed project, including construction of no more than one (1) single-family residence on the 38.5 acre site in order to avoid or minimize environmental impacts. In addition, any new development on site should be implemented in a manner that provides for adequate buffer between all ESHA and development, minimizes clearance of native chaparral/coastal sage scrub, and minimizes landform alteration and grading in order to avoid or reduce adverse impacts to sensitive habitat.

Moreover, the Coastal Act limits the types of development allowed within ESHA. Specifically, Section 30240 states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Thus, Section 30240 requires that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." Section 30240 restricts development on the parcel to only those uses that are dependent on the resource.

In this case, the proposed project would include the subdivision of a single parcel into eight separate parcels in order to allow for the construction of eight separate single-family residences on the resulting lots. Based on the preliminary information in the Initial Study, it appears that all, or a majority, of the development would be located in areas currently supporting chaparral/coastal sage scrub ESHA. However, pursuant to the provisions of Section 30240, a subdivision of land is not an allowable type of development within ESHA. Thus, the proposed project does not appear to be consistent with the Chapter 3 provisions of the Coastal Act.

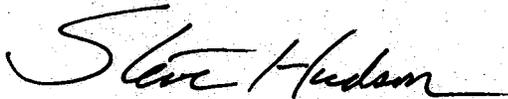
Further, as single-family residences do not have to be located within ESHAs to function, the Commission does not consider single-family residences to be a use dependent on ESHA resources. However, in order to provide a reasonable

economic use of private property in the Santa Monica Mountains, the Commission has previously found in numerous permit actions that the construction of a single family residence may be allowed on a legal parcel of land when designed and sited in a manner to minimize adverse impacts to ESHA to the maximum extent feasible. In this case, the proposed subdivision of land and construction of eight separate residences on the property would result in substantially greater adverse impacts than construction of only a single residence and would, therefore, not serve to minimize adverse impacts to ESHA.

Thus, in this case, a potential feasible alternative to the proposed project that would provide a reasonable economic use of the subject property would include construction of only one single-family residence located near or adjacent to Latigo Canyon Road. This alternative would minimize adverse impacts to ESHA by reducing necessary grading, new roads, and vegetation clearance on site and should be fully evaluated in an EIR.

Thank you for the opportunity to review the Initial Study at this time. Please feel free to contact me with any questions or comments regarding the abovementioned comments.

Sincerely,



Steve Hudson
Supervisor, Planning and Regulation

cc: Paul McCarthy, LACDRP
Rudy Silvas, LACDRP

Attachments: Memorandum by Dr. John Dixon titled "Designation of ESHA in the Santa Monica Mountains" dated 3/23/03



COUNTY OF LOS ANGELES

DEPARTMENT OF PARKS AND RECREATION

"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

June 28, 2007

TO: Rudy Silvas
Impact Analysis Section
Department of Regional Planning

FROM: Clement Lau
Environmental Section
Department of Parks and Recreation

SUBJECT: **NOTICE OF CONSULTATION**
8 SINGLE FAMILY RESIDENTIAL LOTS IN HILLSIDE AREA
LATIGO CANYON ROAD AND OCEAN VIEW DRIVE, MALIBU
Project No. 79-027
Case No. TRACT MAP NO. 34289; CUP 79-027; ROAK T200700011

The Department of Parks and Recreation has reviewed the Notice of Consultation for the proposed project. Our comments are as follows:

- The developer's Quimby obligation for the project is 0.06 acres or in-lieu fees of \$16,781.
- Although the project's individual impacts on recreational resources may not be significant, we suggest that the developer consider and address the project's potential for cumulative impacts as follows:
 - Provide local parks for the enjoyment and leisure of the proposed development by meeting the standard established in the County's General Plan of four (4) acres per thousand population. Local park space may include, but is not limited to: publicly or privately owned playgrounds, tennis, basketball or other similar game-court areas, swimming pools, putting greens, athletic fields, picnic areas, and other types of natural or scenic areas for passive or active recreation.
 - Provide regional park facilities for the enjoyment of the residents in the Santa Monica Mountains area by meeting the standard of six (6) acres per thousand population as established in the County's General Plan. This could take several forms including but not limited to trails, trail heads, and/or additional facilities.
- There are no existing or proposed trails on the project site.

Thank you for the opportunity to comment. If you have any questions, please contact me at (213) 351-5127.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

June 9, 2007

Mr. Bruce W. McClendon
Director of Planning/Impact Analysis Section
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RECEIVED
JUN 18 2007

Dear Mr. McClendon:

Notice of Consultation of a Mitigated Negative Declaration for Project No. 79-027, 8 Single Family Residential lots in Hillside Area Latigo Canyon Road and Ocean View Drive, Malibu

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Initial Study (IS). The lead agency has not qualified potential air quality impacts in the IS from the proposed project and, therefore, has not demonstrated that this project qualifies for a mitigated negative declaration. Given that the proposed project involves 16,000 cubic yards of cut and 1,000 cubic yards of fill, the proposed project has the potential to generate significant adverse PM10 air quality impacts. The SCAQMD, therefore, request that air quality impacts from the proposed project be quantified and that the IS be re-circulated. Please send the SCAQMD a copy of the re-circulated IS upon its completion. **In addition, please send with the re-circulated IS all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files. Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, the lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the SCAQMD Website at: www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM2.5 emissions from construction and operational activities and processes. In connection with developing PM2.5 calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify

PM2.5 emissions and compare the results to the recommended PM2.5 significance thresholds. Guidance for calculating PM2.5 emissions and PM2.5 significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA webpages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

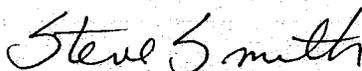
In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA webpages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/agguide/agguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.

Program Supervisor, CEQA Section

Planning, Rule Development and Area Sources

SS:CB:li

LAC070605-06LI

Control Number

Vesting Tentative Tract Map 34289/ Conditional Use Permit 94-165

Previous Case History:

The pending tract map application was originally submitted to Los Angeles County in November of 1977 for a twelve (12) lot subdivision. A draft Environmental Impact Report was prepared by Regional Planning on October 30, 1978. Los Angeles County approved the tentative map and certified the EIR for a twelve (12) lot subdivision in May 1980.

In 1981, Los Angeles County approved a one year extension of the map while it was reviewed by the California Coastal Commission (CCC). In September of 1981, the CCC approved a four (4) lot subdivision of the subject property. In 1984, Los Angeles County Counsel in light of the CCC's conditional approval to reduce the subdivision to four (4) residential lots instituted a five (5) year development moratorium on the approval of the final map.

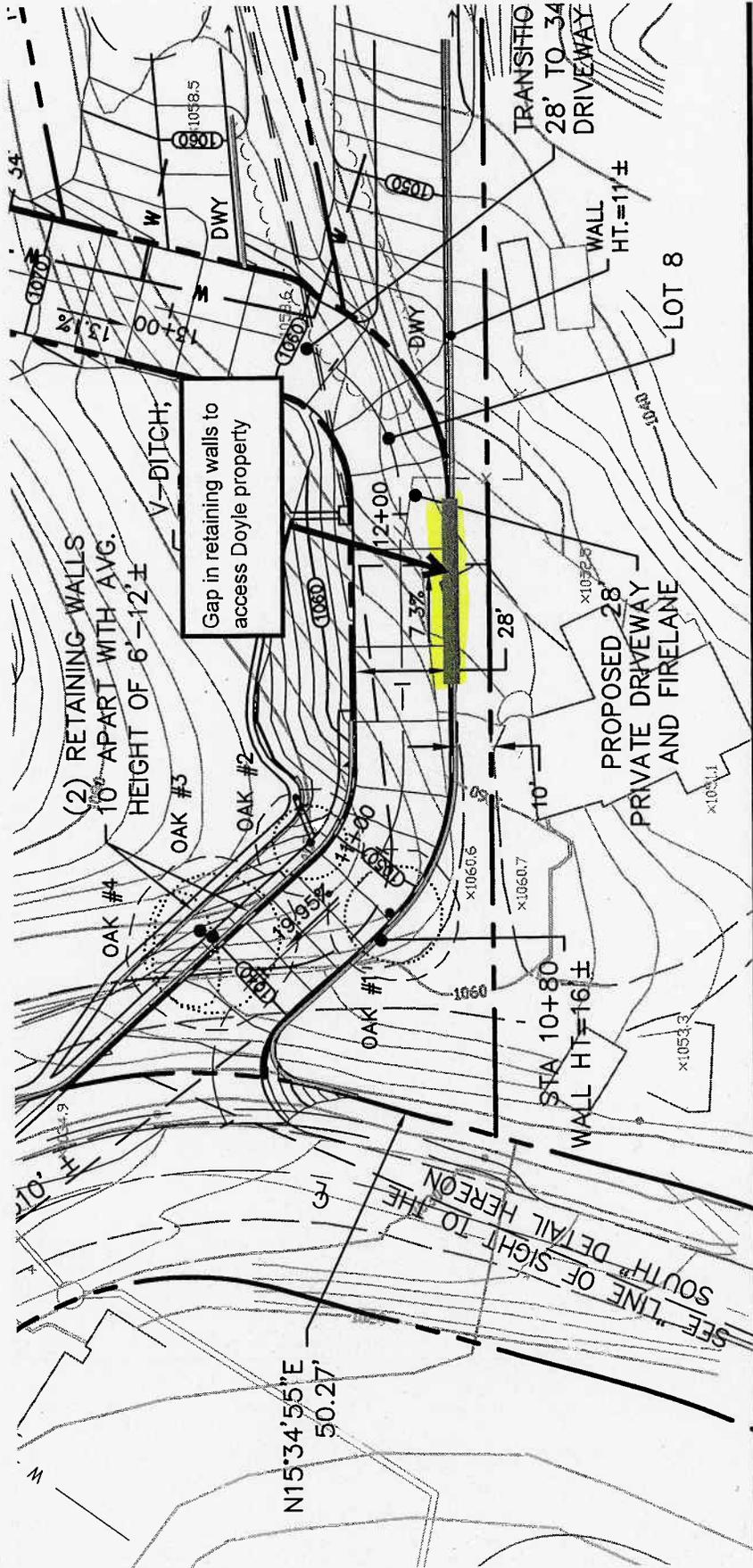
Los Angeles County issued one year extensions for the tract map approval in 1982 and again in 1983. Therefore, the five year moratorium effectively began in 1984. In 1989, as the discrepancy between the County's approval and the CCC's approval had not been resolved, the tract map therefore expired.

In 1990, the CCC approved Coastal Development Permit (CDP) 5-90-665 for the subdivision of the subject property into nine (9) lots with 37,000 cubic yards (cy) of grading (24,000 cy cut, 13,000 cy fill). Following this CCC approval, the map was reactivated at the County with this new project description. The Environmental Determination made by the County for the revised project was a Mitigated Negative Declaration. In 1991, Los Angeles County approved the nine (9) lot subdivision of the property with 42,000 cy of grading (21,000 cy cut, 21,000 cy fill).

One extension of the map was issued by Los Angeles County in 1992 but no further extensions were requested and the map expired within Los Angeles County in 1993. The CDP expired in 1994 due to no further extensions issued by the CCC.

In 2002, a request to reactivate Tentative Tract Map 34289 was filed with Los Angeles County. Since then, the project has been reviewed by the Subdivision Committee five (5) times before being scheduled for the Planning Commission.

The currently proposed project is for subdivision of the property into eight (8) lots (i.e. six (6) residential, one (1) open space, and one (1) private street) and 20,450 cy of grading (19,250 cy cut, 1,200 cy fill). The location of the proposed private driveway is roughly the same as in all previous, approved iterations of the tract map; design changes have been implemented to reduce grading from the previously approved iterations.



TR 34289 Offsite Access Exhibit

PROPERTY LINE; TYP.

BALLER ROAD EASEMENT

LATIGO CANYON RD.

LOT 6

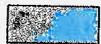
LOT 4

LOT 5

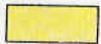
LOT 3

LOT 2

LOT 1



NET UNDISTURBED AREA WITHIN OPEN SPACE: 24.21± AC. / 71.7%



NET DISTURBED AREA WITHIN OPEN SPACE: 0.12± AC. / 0.4%

TOTAL NET OPEN SPACE: 24.33± AC. / 72.1%

TOTAL NET AREA: 33.74± AC. / 100%



TENTATIVE TRACT MAP 34289

LOS ANGELES COUNTY

CALIFORNIA

OPEN SPACE EXHIBIT

DRAWING PATH: Open Space Exhibit.dwg

DATE: JAN. 29, 2009

SHEET

SCALE: 1" = 200'

DRAWN: SH

CHECKED: BH

PROJECT #: 1969.00

1

OF 1