Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

CERTIFIED-RECEIPT REQUESTED

Jon Sanabria
Acting Director of Planning

July 13, 2009

Shea Homes
1250 Corona Pointe Court, Suite 600
Corona, California 92879
Attn: Brooke Thomas

Gentlemen:

SUBJECT: MODIFICATION TO RECORDED TRACT MAP NO. 45342
PROJECT NO. 87-527-(3)

A public hearing on Modification to Recorded Tract Map No. 45342 was held by a Hearing Officer of Los Angeles County on December 16, 2008 and July 7, 2009.

After considering the evidence presented, the Hearing Officer in his action on July 7, 2009, **APPROVED** the modification in accordance with the Subdivision Map Act and Title 21 (Subdivision Ordinance) of the Los Angeles County Code. A copy of the approved findings is attached.

The approval authorizes the modification of a road condition requiring to construct curb, gutter, base, pavement, sidewalks and street lights along Las Virgenes Road, to grant permission to construct with decomposed granite in lieu of concrete sidewalk on a portion of the project fronting Las Virgenes Road. All other conditions of approval of the original grant remain in effect, unchanged.

The decision of the Hearing Officer regarding the modification shall become final and effective on the date of the decision, provided no appeal of the action taken has been filed with the Los Angeles County Regional Planning Commission ("Commission") within the following time period:

- In accordance with the requirements of the State Map Act, the modification may be appealed within 10 days following the decision of the Hearing Officer, which is by July 20, 2009.

The decision of the Hearing Officer regarding the modification may be appealed to the Commission. **If you wish to appeal the decision of the Hearing Officer to the Commission, you must do so in writing and pay the appropriate fee.** The fee for appeal process is $1,352.00 for the applicant and $677.00 for non-applicant(s).

To initiate the appeal, submit your appeal letter and a check made payable to the "County of Los Angeles" to Commission Services, Room 1350, 320 West Temple Street. Los Angeles, California, 90012. Please be advised that your appeal will be rejected of the check is not submitted with the letter.

If you have any questions regarding this matter, please contact Mr. Ramon Cordova of the Land Divisions Section of the Department of Regional Planning at (213) 974-6433 between the hours of 7:30 am and 6 pm, Monday through Thursday. Our offices are closed Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Jon Sanabria
Acting Director of Planning

Susan Tae, AICP
Supervising Regional Planner

ST:rec

Attachments: Findings, Updated Conditions

c: Matt Benveniste, Sikand Engineering
Subdivision Committee
Melanie Beck, National Park Service

FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
FOR MODIFICATION TO RECORDED TRACT MAP NO. 45342

1. A Hearing Officer of the County of Los Angeles, Mr. John Gutwein, conducted a noticed public hearing in the matter of Modification to Recorded Tract Map No. 45342 on December 16, 2008 and July 7, 2009.

2. Modification to Recorded Tract Map No. 45342 proposes to modify a road condition requiring to construct curb, gutter, base, pavement, sidewalks and street lights along Las Virgenes Road, to grant permission to construct decomposed granite along a portion of Las Virgenes Road.

3. The original project, with the proposal of 110 single-family lots, two commercial lots, one water tank lot and six open space lots on approximately 494 acres, was approved by the Los Angeles County Board of Supervisors ("Board") on January 17, 1995. An amendment to the approved vesting map was approved by the Los Angeles County Hearing Officer on October 5, 1999 to reduce the number of commercial lots from two to one. The project recorded in two phases with the last phase recording on June 6, 2001.

4. The subject site is located south of Thousand Oaks Boulevard along Las Virgenes Road, including and adjoining National Park Service property, in The Malibu Zoned District, and within the Santa Monica Mountains North Area.

5. The irregularly-shaped property is approximately 494 gross acres in size with level to steeply sloping topography.

6. Access is provided by Las Virgenes Road, a 120 foot wide major highway, as depicted on the Los Angeles County Master Plan of Highways.

7. The project site is currently zoned A-2-1 (Heavy Agricultural-One Acre Minimum Required Lot Area), C-2-DP (Neighborhood Business-Development Program) and O-S (Open Space) which was established by Ordinance No. 95-0007Z which established Zone Change Case No. 87-527-(3), adopted on January 17, 1995 and became effective on February 17, 1995.

8. Surrounding zoning includes O-S (Open Space) to the north, south and to the west. The City of Calabasas adjoins the subject property on the east.

9. The subject property consists of 110 existing single-family residential lots, one commercial lot, one water tank lot, one pump station lot, seven street lots and five open space lots. Surrounding uses include single-family residences and open space to the north, south, east and west.

Findings

10. The property is depicted in the U2 (Residential 2 – Two Dwelling Units per Net Acre Max), C (Commercial) and OS-DR (Open Space Deed Restricted) land use categories of the Santa Monica Mountains North Area Plan ("Plan"), a component of the Los Angeles County General Plan.

11. The proposed modification does not alter the project design shown on the recorded map. No modified map was submitted, and conditions included in the approval package. The Los Angeles County Department of Public Works ("Public Works") has updated their Road condition to allow decomposed granite in lieu of concrete sidewalk. The proposed request is only for Las Virgenes Road fronting National Park Service property which will be improved with a decomposed granite trail to avoid potential problems with grading for a full-width sidewalk and could negatively impact National Park Service property. As originally conditioned by the original tract map, a concrete sidewalk is no longer appropriate as it would be inconsistent with the National Park Service's desire to provide a natural appearance for its property adjoining Las Virgenes Road, as a proposed trailhead for the public and equestrian community.

12. The modification to a recorded map was filed pursuant to Section 21.52.030 of the Los Angles County Code ("County Code") which allows modifications where there are physical problems associated with the development of the site, or where technical problems occur after recordation. A public hearing is required for any proposed modifications, but the hearing and action by the decision-making body must be limited to only those modifications and may not address other aspects of the project.

13. During the December 16, 2008 public hearing, the Hearing Officer heard a presentation from staff requesting that the proposed project be taken off calendar to allow time for staff to work with the applicant on clearing a Notice of Violation issued by the Los Angeles County Department of Regional Planning Zoning Enforcement Section, for an alleged zoning violation for unapproved plant materials growing in the open space landscaped slopes.

14. During the December 16, 2008 public hearing, the applicant's engineer disagreed with the proposed continuation and requested the approval of the modification. Also testifying was a member of the Mont Calabasas Homeowners Association who requested clarification on the scope of the project.

15. During the December 16, 2008 public hearing, the Hearing Officer after taking all testimony, took the project off calendar to allow the applicant time to work with staff on clearing the alleged zoning violation.

Findings

16. On January 20, 2009, staff met with County Counsel to discuss existing zoning violation on project site and its effect on the continued public hearing.

17. On April 7, 2009, staff met with County Counsel and it was determined that the existing zoning violation and proposed modification were separate issues, and therefore the modification request could proceed to hearing.

18. A re-noticed public hearing was held on July 7, 2009, and the Hearing Officer heard a presentation from staff who stated that the Los Angeles County Subdivision Committee had reviewed the proposed modification and cleared it for public hearing. Staff also stated that Section 21.52.030 of the County Code (Subdivision Ordinance) that the public hearing was limited to only the modifications requested, and the Hearing Officer may act only on the proposed modifications and not the overall project.

19. During the July 7, 2009 public hearing, the Hearing Officer asked the applicant's representative if he had any questions concerning the modification. The applicant's representative stated he had no questions and agreed with staff's recommendation for approval.

20. During the July 7, 2009 public hearing, no testimony was taken in opposition to the project. Staff also received no correspondence in favor or in opposition to the modification.

21. After hearing all testimony, on July 7, 2009 the Hearing Officer closed the public hearing and approved Modification to Recorded Tract Map No. 45342.

22. The proposed modification is consistent with the goals and policies of the Plan.

23. There are changes in circumstances which make one of the conditions such a map no longer appropriate or necessary. Based on recommendations from the Public Works, constructing concrete sidewalks along Las Virgenes Road adjoining the National Park Service property, as originally conditioned by the original tract map, is no longer appropriate as it would be inconsistent with the National Park Service's desire to provide a natural appearance for its property adjoining Las Virgenes Road, as a proposed trailhead for the public and equestrian community.

24. The proposed modification does not impose any additional burdens on the present fee owner of the property.

25. The proposed modification would not alter any right, title or interest in the real property and does not result in an increased number of dwelling units or a greater density than the recorded map. The original project, with the proposal of 110

single-family lots two commercial lots, one water tank lot and six open space lots on approximately 494 acres, was approved by the Board of Supervisors ("Board") on January 17, 1995. An amendment to the approved vesting map was approved by the Hearing Officer on October 5, 1999 to reduce the number of commercial lots from two to one. The project recorded in two phases with the last phase recorded on June 6, 2001.

26. The modification requested results from physical problems associated with the development of the site and technical difficulties arising which are not under the control of the developer and which make it impossible to comply with certain conditions. Public Works has recommended that the portion of Las Virgenes Road adjoining National Park Service ("Park Service") property be improved with a decomposed granite trail to avoid potential problems with grading for a full-width sidewalk and could negatively impact Park Service property.

27. The proposed map and the design and improvements of the proposed subdivision are consistent with the Plan. The proposed modification is consistent with the Plan's intent to maintain appropriate rural road standards for the non-urban portions of the Santa Monica Mountains North Area. Public Works' recommendations of decomposed granite for the portion along Las Virgenes Road adjoining National Park Service property, also reflects the National Park Service's desire to provide a more natural appearance for the frontage along their land which is designated as a trailhead.

28. The site is physically suitable for the type and proposed density of the development. No change in project type or density is proposed as part of the modification.

29. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or serious public health problems, or conflict with public assessments. The overall design of the subdivision is unchanged and the improvement consisting of decomposed granite for a portion of Las Virgenes Road is proposed as part of the modification.

30. An Environmental Impact Report ("EIR") was certified for the original 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 original project determined to have less than significant impacts with project conditions or mitigation, and an EIR was prepared and certified for the project. The proposed modification qualifies for a Categorical Exemption under Class 5 in accordance with State and County CEQA guidelines since it will not result in any substantial change to use or occupancy of the land.

31. The subdivider shall comply with all other conditions of approval of the original grant which remain in effect and unchanged.

32. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is the 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, THE HEARING OFFICER Approves Modification to Recorded Tract Map No. 45342.

DEPARTMENT OF REGIONAL PLANNING
MODIFICATION TO RECORDED TRACT MAP NO. 45342 **Letter: 4-16-08**

CONDITIONS:

1. Conform to the requirements of Title 21 of the Los Angeles County Code (Subdivision Ordinance) and the requirements of the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area), C-2-DP (Neighborhood Business – Development Program) and O-S (Open Space) zone. Also, conform to the applicable requirements of the Santa Monica Mountains North Area Community Standards District.

2. The project may modify full improvement requirements along Las Virgenes Road, including curbs, gutters, base, pavement, sidewalks and streetlights having frontage along National Park Service property, and replacing with decomposed granite as agreed to by the applicant to the satisfaction of Los Angeles County Department of Public Works ("Public Works") and Regional Planning ("Regional Planning").

3. 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 Government Code Section 65499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action or proceeding and the County shall cooperate reasonably in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within 10 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 subdivider, or subdivider's counsel. The subdivider 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 subdivider shall deposit additional fund 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.

    b. At the sole discretion of the subdivider, 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 subdivider according to Los Angeles County Code Section 2.170.010.

Except as modified herein above, this approval is subject to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee,

which consists of members of the Los Angeles County Department of Public Works, Fire Department, Parks and Recreation, and Public Health. As well as Regional Planning.

DRP

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION
TRACT NO. 45342 (Amend.)

LETTER AND APPLICATION DATED 07-01-2008

We have no objections to the proposed changes as shown in the subject modification to the recorded map for Tract No. 45342. The following conditions are recommended for inclusion in the conditions of approval:

1. Comply with the attached one-page Road conditions.

2. Comply with all other previously approved conditions for Tract No. 45342 to the satisfaction of Public Works.

Prepared by Conrad M. Green Phone (626) 458-4917 Date 08-18-2008
TR45342La-(07-01-08).doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 45342 (Amend.)

AMENDMENT LETTER DATED 04-16-2008

We have no objection to the amendment request. The following revised conditions are recommended for inclusion in the tentative approval:

1. Permission is granted to construct decomposed granite (DG) in lieu of sidewalk on Las Virgenes Road along the property frontage south of Thousand Oaks Boulevard to avoid potential grading complications that could arise from the full-width sidewalk construction and which could potentially impact National Park Services Ownership (lot 116). The DG construction is also in accordance with the National Park Services request to provide a more natural appearance to the frontage of their ownership which is designated to be a trail head for equestrian services. The subdivider shall also construct driveway aprons serving the NPS property. All improvements on Las Virgenes Road shall be constructed to the satisfaction of Public Works.

2. Conform with all previously approved and amended road conditions to the satisfaction of Public Works.

Prepared by Patricia Constanza Phone (626) 458-4921 Date 08-18-2008
Tr45342r_amend3.doc

RP - Ramon

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision No: TR 45342 Map Date: Amendment Modification

C.U.P. _____ Vicinity: _____

☐ **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 503 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 150 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: **THE MODIFICATION HAS NO IMPACTS ON FIRE DEPARTMENT REQUIREMENTS.**

By Inspector: Juan C. Padilla Date August 18, 2008

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Subdivision No: TR 45342 Map Date: Amendment Modification

Revised Report _____

☐ 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 ____ gallons per minute at 20 psi for a duration of __ hours, over and above maximum daily domestic demand. __ 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 ____ public fire hydrant(s). Verify / Upgrade 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.

☐ Fire hydrant upgrade is not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: **THE MODIFICATION HAS NO IMPACTS ON FIRE DEPARTMENT REQUIREMENTS.**

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 August 18, 2008

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783

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
5050 Commerce Drive
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www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

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August 14, 2008

RFS No.08-0020609

Tract Map No. 45342-01

Vicinity: Malibu

Tentative Tract Map Date: July 10, 2008 (Modification to Amended Map)

The County of Los Angeles Department of Public Health has no objection to **Tentative Tract Map 45342-01**. The following conditions still apply and are in force:

1. Potable water will be supplied by the **Las Virgenes Municipal Water District**, a public water system.

2. Sewage disposal will be provided through the public sewer and wastewater treatment facilities of the **Las Virgenes Municipal Water District** as proposed.

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

Respectfully,

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