



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

August 7, 2008

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice Chair
Esther L. Valadez, Commissioner
Wayne Rew, Commissioner
Pat Modugno, Commissioner

FROM:  Donald Kress, Regional Planning Assistant II
Land Divisions Section

**SUBJECT: VESTING TENTATIVE TRACT MAP NO. 53100-(3)
CONDITIONAL USE PERMIT CASE NO. 02-201-(3)
OAK TREE PERMIT CASE NO. 02-201-(3)**

**DISCUSSION/POSSIBLE ACTION
August 20, 2008 AGENDA ITEM NO. 7**

PROJECT BACKGROUND

On August 3, 2005, your Regional Planning Commission ("Commission") approved Vesting Tentative Tract Map No. 53100, a residential subdivision proposal to create eight single family lots, one open space lot, and one private and future street lot on 87.16 gross acres. The project is located at the intersection of Liberty Canyon Road and Park Vista Road in The Malibu Zoned District. The proposal also required approval of Conditional Use Permit Case No. 02-201 to ensure compliance with the requirements of hillside management and density-controlled development criteria, and Oak Tree Permit Case No. 02-201 for the removal of one oak tree and encroachment into the protected zone of one oak tree.

This project received a Mitigated Negative Declaration in compliance with the California Environmental Quality Act ("CEQA") and Los Angeles County Environmental Guidelines. The applicant made or agreed to revisions that would avoid or mitigate the

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potentially significant effects of the project on geotechnical, flood, water quality, biota, cultural resources, visual qualities, utilities, education, and mandatory findings to the point where clearly no significant effects would occur.

This map recorded on April 4, 2007.

A Revised Exhibit "A" for grading was approved on April 16, 2007.

REQUEST FOR MODIFICATION OF STEPPED-PAD GRADING

At the June 9, 2004 public hearing, the Commission directed the applicant to redesign the project and include a stepped-pad design in order to reduce project grading. This stepped-pad grading is depicted on the tentative map and Exhibit "A" approved August 3, 2005, and the Revised Exhibit "A" for grading approved on April 16, 2007.

In February, 2008, applicant James Rasmussen inquired whether the stepped-pad grading design for Lots Nos. 2, 3, 4, and 5 could be modified such that there would be a flat pad for the house to be built on, and part of the stepped pad would remain on Lots Nos. 2, 3, and 4. No part of the step would remain on Lot No. 5. The applicant indicated that modifying the stepped-pad design would enable him to build the houses at a lower cost while still having a grading design compatible with the direction of the Commission to reduce project grading.

STAFF EVALUATION AND RECOMMENDATION

Modification of the stepped-pad design as suggested by the applicant would appear to go against the direction of the Commission in requiring redesign of the project to include stepped pads. Staff feels that this change would not be in substantial compliance with the approved Exhibit "A" and Revised Exhibit "A" for grading.

Staff recommends that the Commission discuss and provide additional background to staff on whether the stepped-pad grading design as approved was an essential factor in approving this project.

A plan depicting how the applicant proposed to modify the grading will be provided to your Commission in the August 14, 2008 Commission package.

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OTHER PROJECT ISSUES

It has recently come to staff's attention that grading plans approved by Regional Planning and the Los Angeles County Department of Public Works allowed import of graded material, even though this is in violation of CUP condition no. 15, which prohibits import of graded material. Staff is working with the applicant to address this violation of the conditions and bring the project into compliance. The project has also been cited for excess import grading.