



# PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT**

**BUILDING STRONG®**

## **APPLICATION FOR PERMIT Canyon Oaks Project**

**Public Notice/Application No.:** SPL-2015-00331-JMV

**Project:** Canyon Oaks Project

**Comment Period:** October 20, 2015 through November 19, 2015

**Project Manager:** Jessica Vargas; 213-452-3409; [Jessica.M.Vargas@usace.army.mil](mailto:Jessica.M.Vargas@usace.army.mil)

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### **Applicant**

Rick Bianchi  
TNHC Canyon Oaks, LLC  
29219 Canwood Street; Suite 107  
Agoura Hills, California 91301

### **Contact**

Travis Cullen  
Envicom Corporation  
4165 E. Thousand Oaks Boulevard; Suite 290  
Westlake Village, California 91362

### **Location**

The proposed project is located in unnamed tributaries to Las Virgenes Creek within the city of Calabasas, Los Angeles County, California (Lat: 34.14288, Long: -118.69410) (Figures 1 – 3).

### **Activity**

The applicant proposes to construct a residential housing development with additional commercial components and relocate existing storm water facilities in association with the Canyon Oaks Project. The proposed project would develop 67 small lot single-family detached homes, two duplexes, and a recreation area with clubhouse on approximately 13.03 acres. The commercial component would consist of a 120-room, four story hotel with associated infrastructure and drainage improvements on 2.91 acres. The applicant proposes to permanently discharge fill material onto 0.56 acres of non-wetland and 0.28 acres of wetland waters of the United States (see attached drawings). For more information see page 3 of this notice.

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Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

Department of the Army  
Los Angeles District, U.S. Army Corps of Engineers  
Regulatory Division  
ATTN: Jessica Vargas  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: [Jessica.M.Vargas@usace.army.mil](mailto:Jessica.M.Vargas@usace.army.mil)

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Los Angeles Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management**- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

**Essential Fish Habitat**- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. McKenna et al. prepared an archaeological resources report for the Project site in 2013. McKenna concluded no archaeological resources were present on-site. Based on the above information, the Corps has made a preliminary determination the proposed project would have no effect on cultural resources pursuant to Section 106 of the Historic Preservation Act. However, consultation with the California State Historic Preservation Officer (SHPO) will be conducted for this site.

**Endangered Species**- Rincon Consultants, Inc. (Rincon) conducted a biological survey of the Project site in 2013 and the results of the survey indicate no federally-listed plant species are present in the project area. Rincon also conducted protocol surveys in 2012 and 2015 for the coastal California gnatcatcher and the least Bell's vireo, neither of which were identified on site.

Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing**- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

## **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose**- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is residential and commercial development. The project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct a residential/commercial development, with approximately 71 residential units and a commercial hotel, in the general vicinity of southwest Los Angeles County.

### **Additional Project Information**

Baseline information- The project site consists of approximately 77.22 acres located at 4790 Las Virgenes Road in the City of Calabasas, Los Angeles County, California. The project site is located within the foothills of the northern Santa Monica Mountains, west of the San Fernando Valley and east of the Conejo Valley (Figures 1 and 2). The site is generally characterized by hillside terrain and elevations ranging from just below 800 feet to over 1,100 feet above sea level. The canyon bottom maintains a gradual increase in elevation, roughly 4 percent from the western-most boundary to the eastern-most boundary of the site. A prehistoric landslide is evident on the southern portion of the site. The prehistoric landslide feature located on the southern slope extends to the south-southeast off-site. The landslide area may be prone to re-activation in the event of a strong to severe earthquake. The landslide hazard limits development of the site based on the ability to achieve adequate stability and safety through remediation. The project site is primarily undeveloped with some disturbance caused by fire clearance, grading, and grazing. The western half of the project site is primarily undeveloped; however, some grading and dirt roadways exist. Similarly, the northern portion of the site includes some grading and dirt roadways. The northern portion of the project site also contains abandoned structures from a former sheep husbandry operation. The remainder of the site is relatively natural and undisturbed. Surrounding land uses are primarily open space to the north, east, and south, and commercial/retail and residential uses to the west. The site is characterized by hillside terrain that drains into an unnamed ephemeral drainage on the project site which conveys flows generally east to west, with smaller upland ephemeral features contributing from the surrounding hills (Figure 6). In the eastern portion of the site, four wetlands, fed by natural seeps, are located adjacent to the main ephemeral drainage. The project site contains 2,341 linear feet (0.61 acres) of ephemeral drainage with an ordinary high water mark (OWHM) ranging from approximately 2 to 8 feet in width, and 0.28 acres of wetlands. The project site's vegetation communities are highly variable and include primarily upland communities such as Annual Brome Grasslands, coastal scrub types, and Coastal Live Oak Woodland, as well as small areas of wetlands and riparian communities such as Arroyo Willow Thicket, Rush-Saltgrass Meadow and Yerba Mansa Meadow (Figure 5). An existing debris/detention basin constructed on the western boundary of the site for development of an adjacent residential tract intercepts runoff from the site's main ephemeral drainage and flows are conveyed from the detention basin via the City's underground storm drain system, ultimately discharging into Las Virgenes Creek located west of the project site (Figure 6).

Project description- The proposed project would permanently impact 0.84 acres, approximately 94%, of the 0.89 acres of waters of the U.S. within the project boundary by discharging fill material for construction of a residential/commercial development and associated debris basin. Grading activities for construction of building pads and for landslide remediation would impact 0.26 acres of wetland waters and 0.51 acres of non-wetland waters of the United States. Relocation of the debris basin would impact 0.02 acres of wetlands and 0.05 acres of non-wetland waters (Figure 6). Approximately 16 acres would be graded to construct the residential/commercial development, while approximately 61.5 acres would be preserved as open space. The proposed project would construct 67 small lot single-family detached homes, two duplexes, and a recreation area with clubhouse on approximately 13.33 acres (Figure 4). The commercial component would consist of a 120-room, four story hotel with associated infrastructure and drainage improvements on 2.91 acres. Development of the site would

include relocating an existing debris basin from the west end of the site to the east end of the proposed development. Relocation of the debris basin includes extending a culvert from the existing basin connection with the city's municipal stormwater system to the new debris basin. The project also includes remediation of a landslide hazard area on the southern portion of the site. Remediation would cover approximately 39 acres and consist of excavating all alluvium, artificial fill and soils in the central basin and replacing with engineered fill. The remedial grading would involve an estimated 1,577,899 cubic yards of cut and 1,240,185 cubic yards of fill. During the proposed construction activities in and adjacent to waters of the United States, there could be short-term adverse impacts to channel substrate, drainage patterns, water quality parameters, turbidity levels, erosion/accretion patterns, scattered riparian habitat, wildlife habitat, aesthetics, noise levels and air quality.

**Proposed Mitigation**– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

**Avoidance:** The proposed project would avoid 0.05 acres (380 linear feet), approximately 8% of onsite non-wetland waters of the United States. Approximately 59.7 acres would be preserved as open space following construction and landslide remediation including the upstream portion of the main ephemeral drainage.

**Minimization:** The previous development design for the Canyon Oaks Residential/Commercial development resulted in impacts to approximately 0.28 wetland waters and 0.61 acres of non-wetland waters of the United States. The proposed project design includes modifications that have reduced impacts to non-wetland waters of the United States from 0.61 acres to 0.56 acres.

**Compensation:** As compensatory mitigation for the proposed permanent loss of 0.84 acre of waters of the U.S., including 0.28 acre of wetlands, the applicant proposes to establish 1.41 acres of waters of the U.S. within the project site, including riparian habitat and wetlands (Figure 8). The applicant is currently working on a mitigation site proposal which will be reviewed by the Corps. Additionally, if the onsite establishment does not meet the entirety of the applicant's compensatory requirements, the applicant may purchase credit at a Corps-approved mitigation bank and/or in-lieu fee program.

### **Proposed Special Conditions**

No permit special conditions are proposed at this time.

For additional information please call Jessica Vargas at 213-452-3409 or via e-mail at [Jessica.M.Vargas@usace.army.mil](mailto:Jessica.M.Vargas@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.

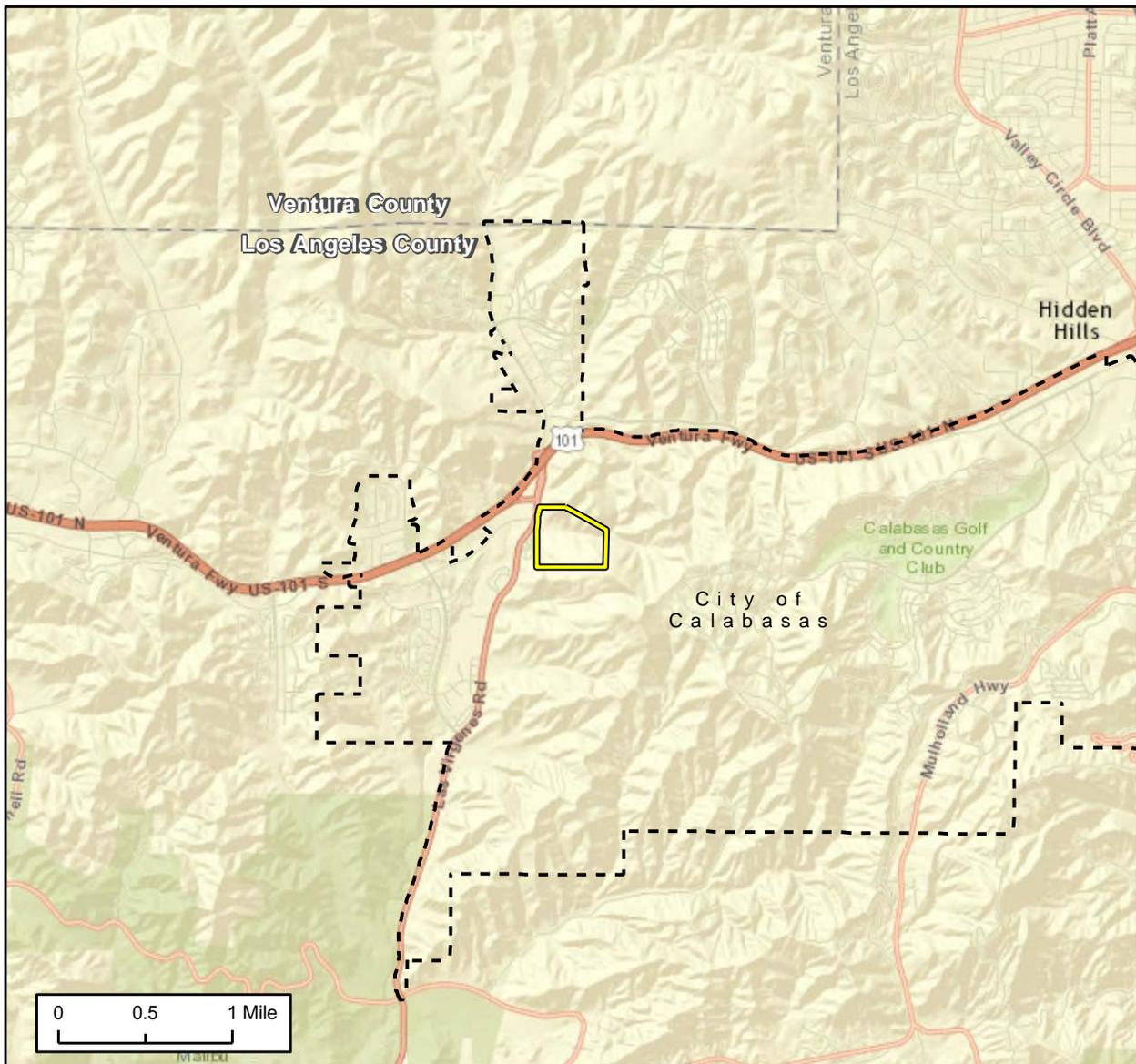


#### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
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Los Angeles, California 90017  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)



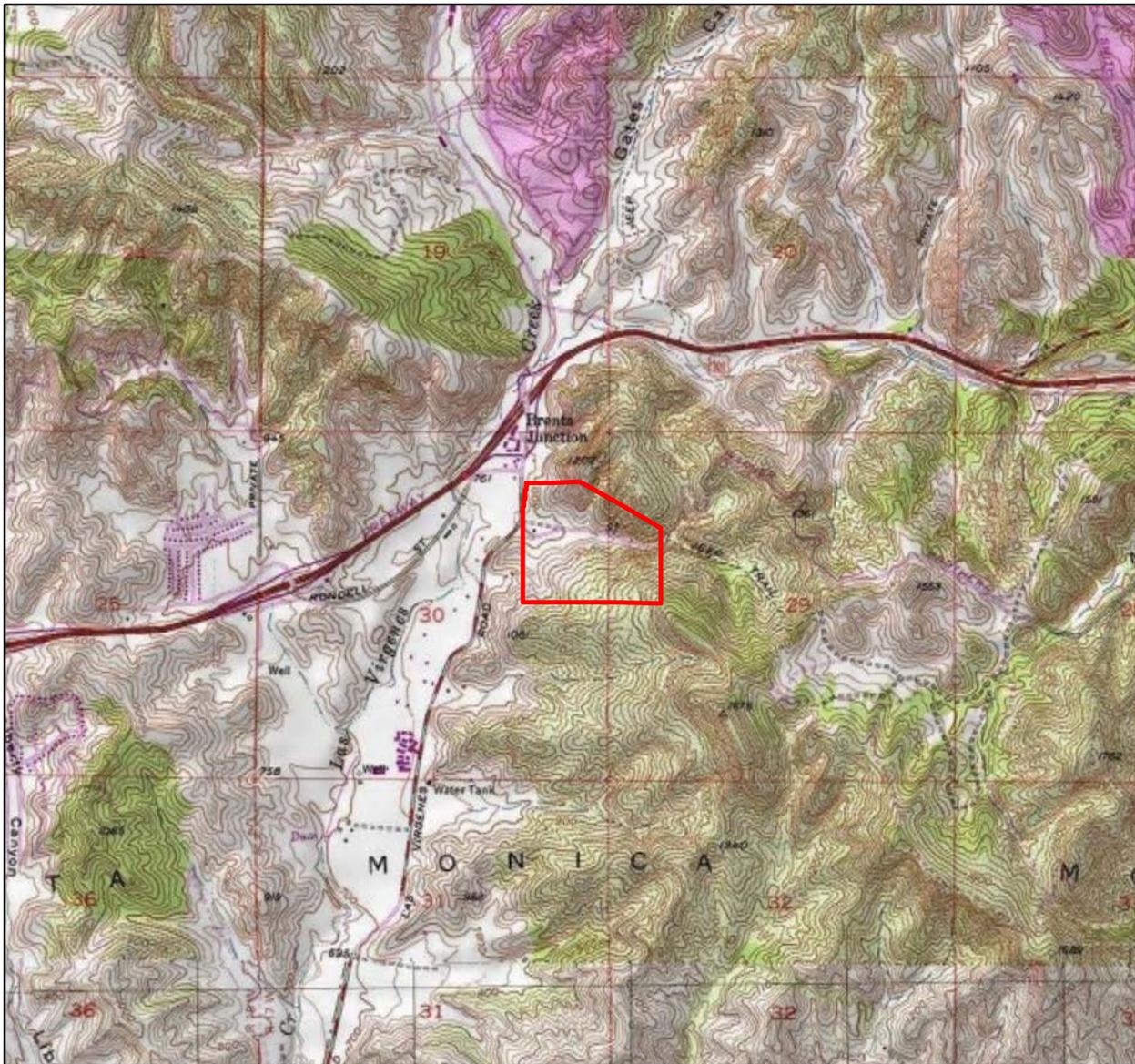
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-  City\_border
-  Project Site



Regional Location

Figure 1  
City of Calabasas



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0.5 Mile



0 0.25

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 Site Boundary



City of Calabasas

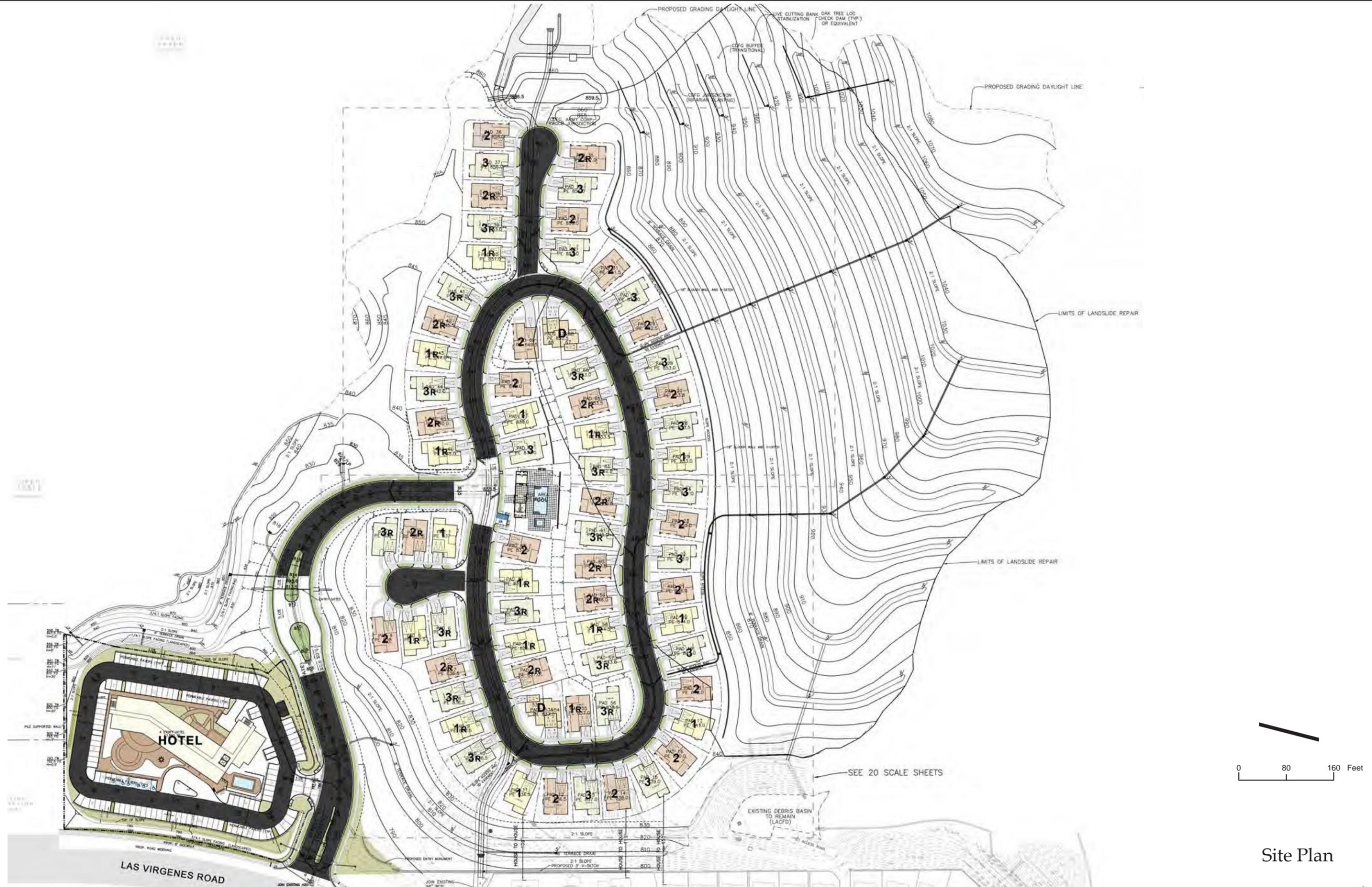






- Existing Residential Communities
- Existing Commercial & Retail Businesses

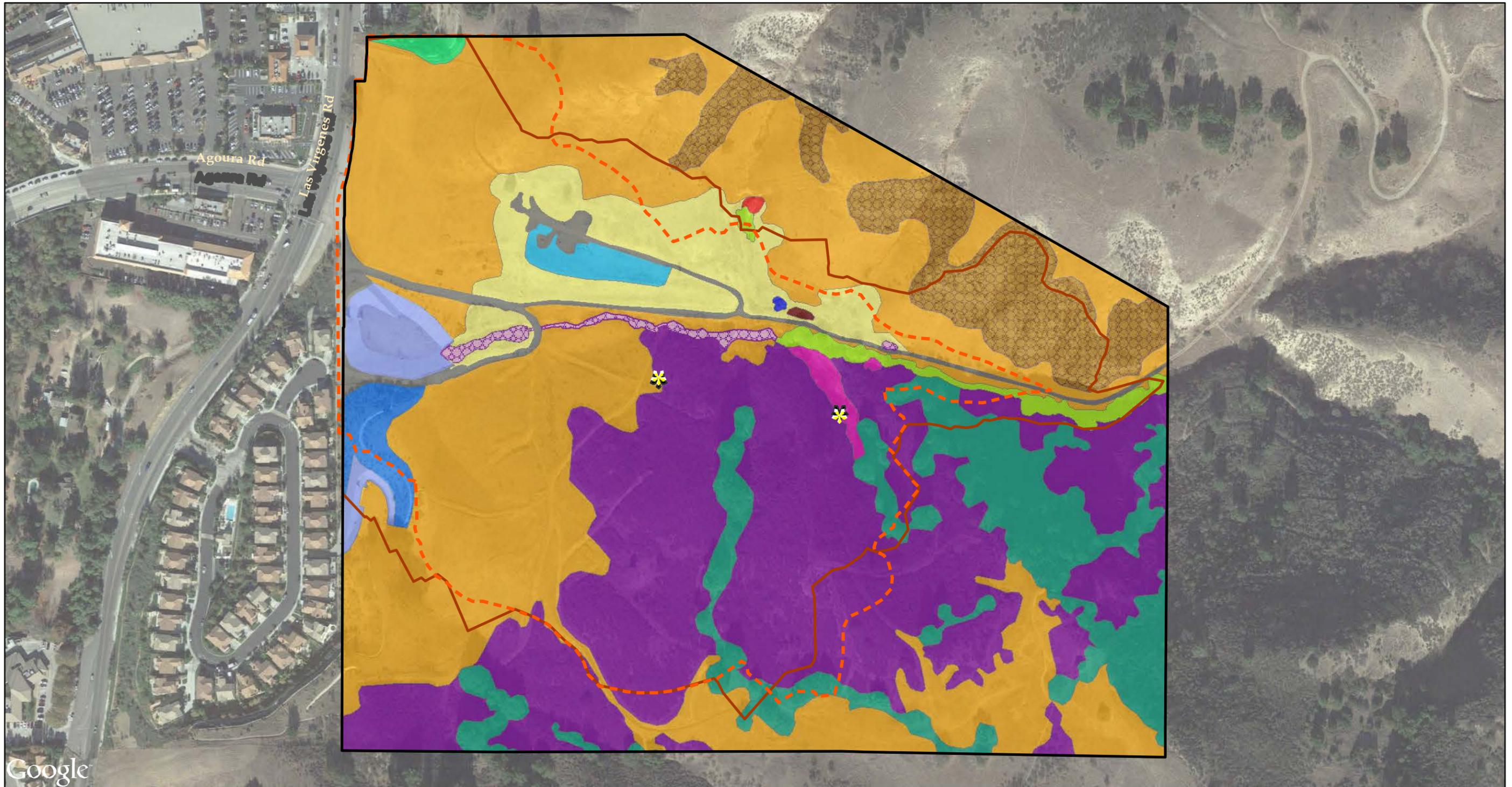




Site Plan

Source: Robert Hidey Architects, Canyon Oaks Design Submittal, March 18, 2015

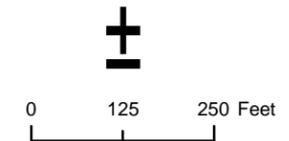
Figure 4  
City of Calabasas



Google

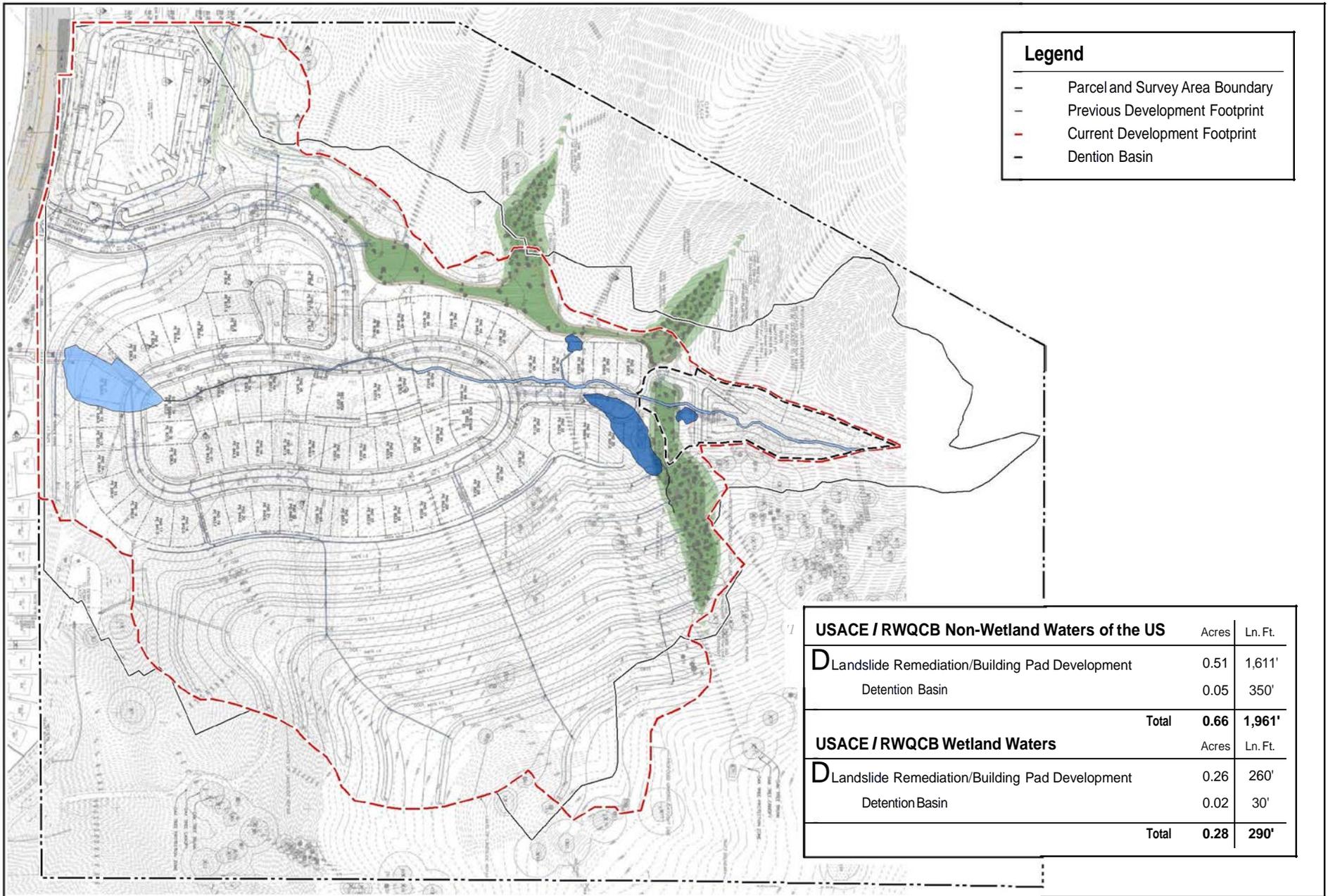
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|---|--|---|--|---|---|
|  Catalina Mariposa Lily Locality |  Parcel Boundary                |  Annual Brome Grassland  |  Dwarf Nettle Herbaceous Stand    |  Coyote Brush Scrub      |  Mulefat Thickets        |
|  Current Development Footprint   |  Road/Disturbed Detention Basin |  Cattail-Saltgrass Marsh |  Stinging Nettle Herbaceous Stand |  Coastal Buckwheat Scrub |  Coast Live Oak Woodland |
|  Previous Development Footprint  |  Ornamental                     |  Bulrush-Saltgrass Marsh |  Summer Mustard Herbaceous Stand  |  Purple Sage Scrub       |  Arroyo Willow Thickets  |
|   |  |   |  |   |  Yerba Mansa Meadow      |



Habitat Map

Figure 5



Aerial Source: ESRI Aerial Backgrounds, 2015. Delineation Source: Rincon Consultants, Inc., 2015.

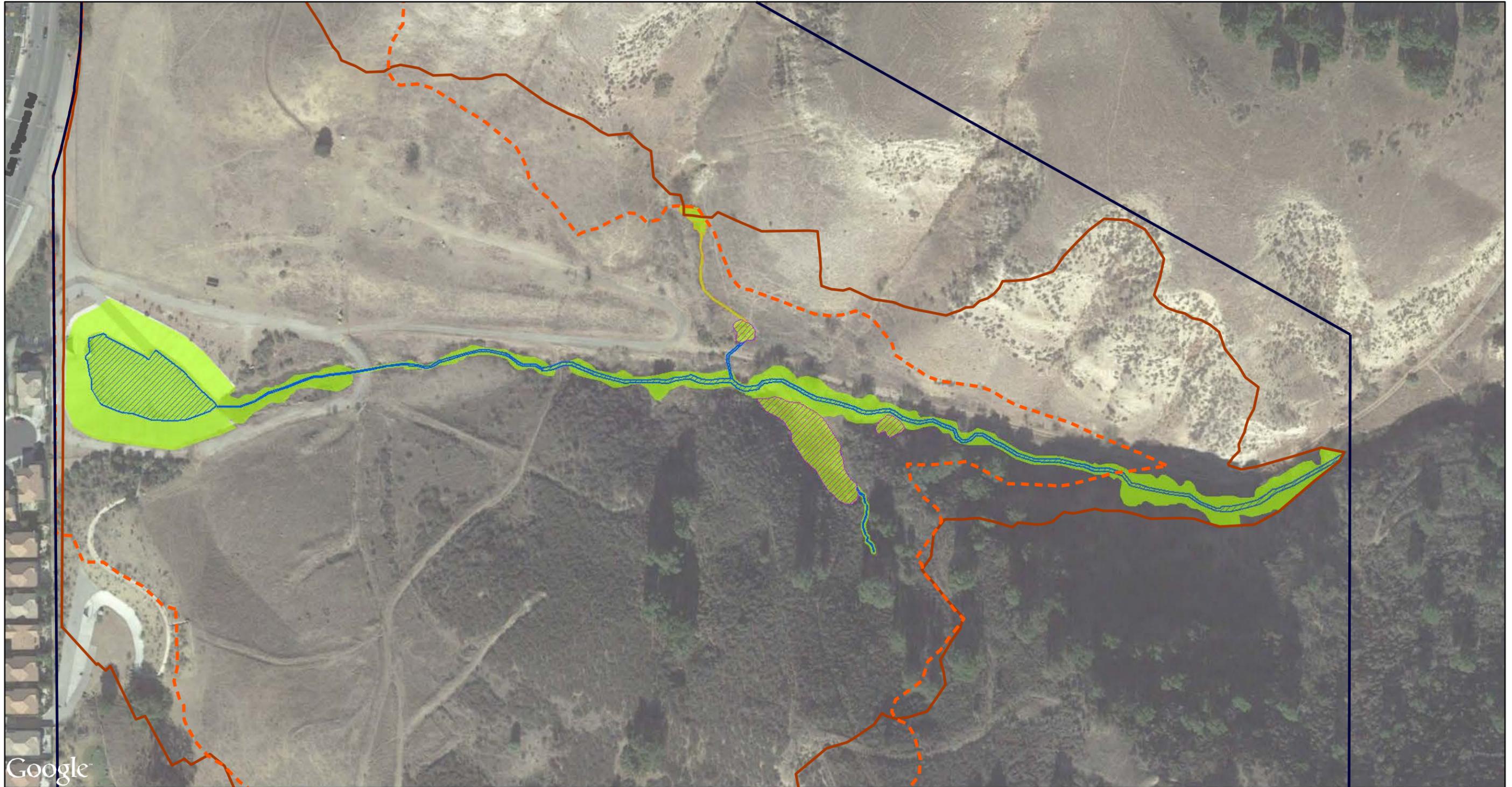
CANYON OAKS

## Project Site Plan and Jurisdictional Delineation Map

envTccm



Figure 6



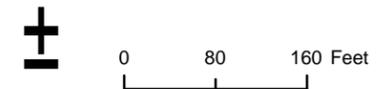
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- Parcel and Survey Area Boundary
- Current Development Footprint
- Previous Development Footprint

**Jurisdictional Features (Acreages: Current/Previous)**

- RWQCB Waters of the State (0.05/0.04)
- USACE/RWQCB Wetland Waters of the U.S. (0.28/0.28)

- USACE/RWQCB non-Wetland Waters of the U.S. (0.61/0.66)
- CDFW Streambed/Banks and Associated Riparian Vegetation (2.27/2.61)



Jurisdictional  
Delineation Map

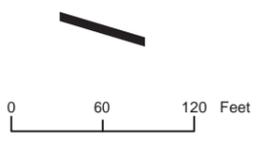




PRELIMINARY MITIGATION AREAS	
BUFFER ZONE	72,905 s.f. (1.67 ac.)
TOTAL AREA*	164,822 s.f. (3.78 ac.)

\*INCLUDES SEEP RESTORATION AND NORTHERN MITIGATION AREAS.

LEGEND	
	CDFG TRANSITIONAL BUFFER
	CDFG JURISDICTION (RIPARIAN PLANTING)
	CDFG, ARMY CORP., RWQCB JURISDICTION



Wetlands Mitigation Plan

Source: Robert Hidey Architects, March 2015