

November 20, 2024

Alicia B. Bartley  
5820 Canoga Ave., Suite 300  
Woodland Hills, CA 91367

PROJECT NO. R2024-03698-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201400019  
24600 THOUSAND PEAKS ROAD, CALABASAS (APN 4455-052-002)

Dear Ms. Bartley:

The Regional Planning Commission (Commission), by its action of **November 20, 2024**, has approved the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

**Appeals:** The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 4, 2024**. Appeals must be submitted to [appeal@planning.lacounty.gov](mailto:appeal@planning.lacounty.gov) before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Tyler Montgomery of the Coastal Development Services Section at (213) 974-0051, or [TMontgomery@planning.lacounty.gov](mailto:TMontgomery@planning.lacounty.gov)

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Sincerely,

AMY J. BODEK, AICP  
Director of Regional Planning

*Rob Glaser*

Robert Glaser, Supervising Regional Planner  
Coastal Development Services Section

RG:TM

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion), Notice of Determination

c: DPW (Building and Safety)  
Zoning Enforcement

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING  
FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
PROJECT NO. R2014-03698-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201400019  
ENVIRONMENTAL ASSESSMENT NO. RPPL2020009798**

**RECITALS**

1. **HEARING DATES.** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly noticed public hearing on October 30, 2024, and November 20, 2024, in the matter of Project No. R2014-03698-(3), Minor Coastal Development Permit (“Minor CDP”) No. 201400019 and Environmental Assessment No. RPPL2020009798. This was an appeal of the Hearing Officer’s approval of the Minor CDP on July 23, 2024.
2. **HEARING PROCEEDINGS.** The item was continued from the October 30, 2024 hearing date by the Commission without opening the public hearing. The public hearing was then held before the Commission on November 20, 2024. The appellant and one member of the public gave testimony in opposition to the Minor CDP, while the applicant gave testimony in favor. After some questions and a brief discussion, the Commission subsequently closed the public hearing, denied the appeal, and approved the Minor CDP.
3. **ENTITLEMENTS REQUESTED.** The permittee, Raymond Tran (“Permittee”), requests the Minor CDP to authorize the construction of a 18-foot-tall, 10,803 square-foot single-family residence, an attached two-car garage, an onsite wastewater treatment system (“OWTS”), a pool with a pool deck, hardscaping, landscaping, and 3,694 cubic yards of grading, as well as the removal of 12 native trees (11 western cottonwoods and one coast live oak), encroachments into the protected zones of five native trees (five western cottonwoods), and the offsite transport of more than 1,000 cubic yards of earth in the R-C-20 (Rural Coastal – 20 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.44.1750 (“Project”).
4. **LOCATION.** The Project is located on a vacant 11.2-acre lot located at 24600 Thousand Peaks Road, in the unincorporated Santa Monica Mountains Coastal Zone, also known as Assessor’s Parcel Number 4455-052-002 (“Project Site”).
5. **ENTITLEMENTS REQUIRED.** The Minor CDP is a request to construct a new single-family residence and related improvements, including a new OWTS, in the R-C-20 Zone pursuant to County Code Section 22.44.810. Per the requirements of the Santa Monica Mountains Local Implementation Program (“LIP”), a Minor CDP is required for any project that results in grading of more than 50 and less than 5,000 cubic yards of earth (County Code Section 22.44.1260). A Minor CDP is also required for any project that removes an oak tree or encroaches into the protected zone of an oak tree (County

Code Section 22.44.950). Therefore, a Minor CDP is required because the Project proposes 3,694 cubic yards of grading (3,658 cubic yards of cut, 36 cubic yards of fill, and 3,622 cubic yards of export), the removal of one oak tree, and encroachment into the protected zone of one other oak tree.

6. **LAND USE DESIGNATION.** The Project Site is located within the RL20 (Rural Lands 20 – One dwelling unit per 20 acres maximum density) land use designation of the Santa Monica Mountains Land Use Policy Map, which is a component of the Local Coastal Program Land Use Plan (“LUP”).
7. **ZONING.** The Project Site is located within The Malibu Zoned District and is currently zoned R-C-20. Pursuant to County Code Section 22.44.1750, a single-family residence and its accessory structures are the principal permitted use within the R-C Zone.
8. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The 11.2-acre Project Site primarily consists of sloping terrain, mostly exceeding a grade of 25 percent, and generally sloping upward from south to north. An existing dirt driveway and a graded pad, as well as drainage ditches, retaining walls, and some fencing, are located on the central portion of the Project Site. These were established as part of Tract Map No. 36172, which created the underlying lot in 1988. Approximately 3.7 acres of the southern portion of the Project Site are dedicated as a trail easement for the undeveloped Stokes Ridge Trail. In addition, 0.7 acres of the eastern portion of the Project Site are dedicated for the future widening of Dry Canyon Cold Creek Road, while an adjacent 30-foot-wide slope easement takes up approximately 0.6 acres. The northern 2.3 acres of the Project Site are mapped as H3 Habitat within the LUP, while the remaining 8.9 acres are mapped as H2 Habitat and consist of diverse chaparral of the birchleaf mountain mahogany alliance.

B. Site Access

A new 295-foot-long, 20-foot-wide paved driveway would provide access to Thousand Peaks Road, a private road to the northeast. Thousand Peaks Road intersects with Dry Canyon Cold Creek Road – a 50-foot-wide public road – approximately 85 feet to the east of the driveway.

C. Site Plan

The site plan depicts the Project Site with a new 10,803-square-foot, 18-foot-tall single-family residence and an attached 644-square-foot two-car attached garage accessed by a 20-foot-wide, 295-foot-long paved private driveway and onsite County Fire Department (“Fire Department”) turnaround. The residence would have a 5,278-square-foot first floor, a 2,027-square-foot second floor, and a 3,498-square-foot basement. A 10,000-gallon underground cistern for the capture of stormwater runoff that will be used in the irrigation system is proposed for a location at the end of the paved driveway. A patio and a swimming pool would be located on

the southern side of the residence. A new OWTS would be comprised of a tank and two seepage pits. The tank is proposed to the east of the pool and patio area, and the two seepage pits are proposed to the southwest of the pool and patio area. The site plan depicts the use of materials that include concrete, wood, steel, wood cladding, stone cladding, and ceramic or concrete roof tiles. No specific exterior colors are proposed.

The site plan also depicts proposed fencing along the eastern edge of the Project Site where there is a 30-foot-wide slope easement. There are also portions of a public road dedication easement for Dry Canyon Cold Creek Road between the slope easement and the property line. No improvements to Dry Canyon Cold Creek Road are proposed as part of the Project.

The site plan also depicts proposed wildlife permeable fencing with a height of 48 inches along the western property boundary, eventually connecting to the northwest corner of the garage. An additional segment of 48-inch-tall wildlife permeable fencing along the eastern boundary would extend from the northeastern corner of the residence. The fencing is part of the enclosure required for safety requirements for the pool. The site plan also depicts an existing six-foot-tall iron fence along the driveway, which would be removed.

Landscaping and irrigation are depicted throughout the Project Site. The site plan depicts 109 total trees onsite, consisting of 33 protected trees and 76 non-protected trees. Of the 33 protected trees, 12 native trees are shown to be removed (11 western cottonwoods and one coast live oak) and eight native trees are shown to be encroached upon (seven western cottonwoods and one coast live oak). A total of 55 mitigation trees are proposed to be planted onsite, and 28 existing native seedlings would be preserved in place.

The Project would include 3,694 cubic yards of total grading, consisting of 3,658 cubic yards of cut, 36 cubic yards of fill and 3,658 cubic yards to be exported to the Calabazas Landfill for proper disposal. The haul route would proceed from Dry Canyon Cold Creek Road, Mulholland Highway, Las Virgenes Road, and Lost Hills Road.

- 9. PUBLIC COMMENTS.** County Department of Regional Planning (“LA County Planning”) Staff (“Staff”) received two letters of opposition to the Project from the Las Virgenes Homeowners Federation (“LVHF”). The letters stated that the Project was too large, and that it should be downsized and relocated to avoid biological impacts, including the proposed impacts to native trees, and the impact of fuel modification of H2 Habitat. It also stated that the Project’s California Environmental Quality Act (“CEQA”) document is inadequate and that not all significant impacts would be mitigated.

## **10. COUNTY DEPARTMENT RECOMMENDATIONS.**

- A. Department of Public Works: Recommended clearance to public hearing with no conditions in a letter dated December 31, 2020.
- B. Fire Department: Recommended clearance to public hearing with conditions in a letter dated January 6, 2021
- C. Department of Public Health: Recommended clearance to public hearing with a condition requiring post-Coastal approval of the OWTS in a letter dated October 16, 2020. This has been included in the Project's conditions of approval.
- D. Department of Parks and Recreation ("DPR"): Indicated the Project will not impact any DPR facilities, and they have no comments in a letter dated January 5, 2021.

11. **LEGAL NOTIFICATION.** The Commission finds that pursuant to County Code Sections 22.44.840 and 22.44.990, the community was properly notified of the public hearing by mail, newspaper [Malibu Times], and property posting. Additionally, the Project was noticed, and case materials were available on LA County Planning's website. On September 18, 2024, a total of 42 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 21 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

## 12. **CEQA DETERMINATION.**

### Mitigated Negative Declaration

Prior to the Hearing Officer's public hearing on the Project, an Initial Study was prepared for the Project in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Document Reporting Procedures and Guidelines. Based on the Initial Study, Staff determined that a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the Project. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.

The areas of environmental impacts found to be less than significant with mitigation incorporated include the following:

- Biological Resources: related to impacts to native vegetation (H2 habitat) for fuel modification, and nesting bird and bat pre-construction surveys.
- Geology/Soils: related to geotechnical requirements for potential landslide or mudflow hazard.
- Noise: related to temporary construction noise impacts.
- Wildfire: related to fuel modification and inclusion of fire resistive construction materials.

13. **PREVIOUS HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on July 16, 2024. The Permittee's representatives were

sworn in and testified in favor of the Project. The Hearing Officer subsequently continued the public hearing to July 23, 2024, to provide time for the Permittee and Staff to revise the Project's site plans, findings, and conditions for consistency regarding the number of native trees being removed and the number of mitigation trees being planted as mitigation for the removed trees. At the July 23, 2024, continued public hearing, the Hearing Officer stated that she had reviewed the revised documents and found them consistent. She subsequently closed the public hearing, adopted the MND and MMRP, and approved the Project. This approval was appealed to the Commission on July 29, 2024, by Kim Lamorie and Joan Slimocosky, on behalf of the LVHF, per the provisions of County Code Section 22.44.970.

### **GENERAL PLAN CONSISTENCY FINDINGS**

14. **LAND USE POLICY.** The Commission finds that the Project is consistent with the goals and policies of the LUP, a component of the General Plan, because the intended use in the RL20 land use designation is single-family residences on sparsely developed lands with limited access. The Project is the construction of a new single-family residence with accessory structures on a large lot. Development would be clustered near existing single-family residences and access roads.
15. **GOALS AND POLICIES—DEVELOPMENT PATTERN.** LUP Pattern and Character of Development Goals and Policies LU-27 through LU-51 require that patterns of land use promote social, environmental, and economic well-being while preserving the environmental resources and unique character of the land within the Santa Monica Mountains. The Project consists of one single-family residence and accessory structures and is therefore similar to the development pattern within the surrounding neighborhood, which consists primarily of single-family residences. The Project is designed to be situated on the existing graded pad. The building site area is 8,772 square feet, which equates to 1.8% of the Project Site, less than the maximum allowed 10,000 square feet, as indicated in the LIP.

The Project Site is located in H3 and H2 habitats and within the fuel modification areas for surrounding residences. The fuel modification plan would impact primarily H3 Habitat and would only impact approximately 0.7 acres of H2 Habitat through fuel modification activities. The Project does not impact or encroach upon the dedicated Stokes Ridge Trail easement. The Project has also been designed to limit the maximum height to 18 feet to reflect the policies protecting Scenic Resource Areas ("SRAs"). The residence has been sited on the existing graded pad, with significant portions of the square footage below grade where it will not be visible. The Project does not require the creation of new slopes or landform alteration beyond that needed to construct the basement. The Project involves the limited use of outdoor lighting fixtures, of which are placed for safety and access along the driveway, walkways, doorways, and patios and meet the requirements of the Dark Skies standards by using low wattage and downward shielded light fixtures. Therefore, the Commission finds that the Project is consistent with the LUP Pattern and Character of Development Goals and Policies LU-27 through LU-51.

- 16. GOALS AND POLICIES—ENVIRONMENTAL RESOURCES.** The LUP Development and Environmental Resources Goals and Policies LU-1 through LU-26 require that land uses be compatible with existing environmental resources and community character. The Project is located in an area containing existing single-family residences with accessory structures. The Project Site is previously disturbed with a graded pad, a driveway, a retaining wall at the southern edge of the graded pad, irrigation, and fencing. The residence is sited on the existing disturbed pad to reduce new impacts. The placement of the Project components would reduce impacts to the Project Site and preserve the scenic resources because the maximum height of all structures would be limited to 18 feet. The Project would be developed within the vicinity of other residences, two of which are clustered along Dry Creek Cold Canyon Road, immediately to the north and east of the Project Site. The Project includes a fuel modification plan which primarily impacts H3 Habitat areas and less than one acre of H2 Habitat. Due to the Project's siting, proximity to nearby developed areas, and reduced impacts to SRAs, the Commission finds that the Project is consistent with the LUP Development and Environmental Resources Goals and Policies LU-1 through LU-26.
- 17. GOALS AND POLICIES—DESIGN STANDARDS.** Several site design policies are identified in the LUP Policies CO-74 through CO-94, which refer to design standards regarding access roads, grading and retaining walls, fencing, animal containment facilities, wells and test pits, OWTS, and exterior lighting. The Project includes one 295-foot-long, 20-foot-wide access driveway from Thousand Peaks Road, and the access requirements were reviewed and cleared by the Department of Public Works and the Fire Department. Although alternative sites were considered, the Commission finds that the proposed Project limits grading and the area of disturbance more than other site locations. The Project's OWTS is located on the existing disturbed graded pad within the Project Site. The Project includes fully shielded and downward-facing outdoor lighting, consistent with the Dark Skies policies of the LUP, to allow adequate safety and access lighting near the driveway, walkways, and doors. Therefore, the Commission finds that the Project is consistent with the site design standards of the LUP.
- 18. GOALS AND POLICIES—FIRE HAZARD.** The Project's structures are designed to include fire resistant exterior materials, comply with Fuel Modification standards, and comply with brush clearance standards, as outlined in LUP Policies CO-96 through CO-98 and LUP Policies SN-20 through SN-36. Therefore, the Commission finds that the Project is consistent with the Fire Hazard Policies of the LUP.
- 19. GOALS AND POLICIES—NATIVE TREE PROTECTION.** LUP Policies CO-99 and CO-100 identify the Native Tree Mitigation Policies of the LUP. The Project was designed to avoid impacts to native trees, but several removals and encroachments are required for the Fire Department access requirements and fuel modification requirements. The Permittee submitted a Biological Assessment, dated May 2016, landscaping plans dated October 2021, and a Mitigation and Encroached Tree Plan dated September 2021. The reports conclude that there are a total of 109 trees onsite, consisting of 33 protected trees and 76 non-protected trees. Of the 33 protected trees,



12 native trees are required to be removed, and eight native trees are proposed to be encroached upon. The required mitigation totals 155 replacement trees. Per the requirements of the LIP (County Code Section 22.44.1920 K), the 155 replacement trees include 140 trees to mitigate for the 17 removals and the two encroachments of more than 30 percent, at a ratio of 10:1, and 15 trees to mitigate for the three encroachments of less than 10 percent, at a ratio of 5:1. The Permittee will plant 48 new trees and preserve 28 existing native seedlings onsite as part of the required mitigation. The Permittee will also plant an additional 79 new trees and 39 new contingency trees offsite as part of an approved Tree Replacement Plan, which is required as part of the Project's conditions of approval and MMRP. Therefore, considering the various measures included in the Project design, the access difficulties presented by the shape of the Project Site, and the overall biological considerations noted above, the Commission finds that the Project is consistent with the LUP Native Tree Protection Goals and Policies.

**20. GOALS AND POLICIES—HILLSIDE MANAGEMENT.** The LUP Hillside Management Goals and Policies CO-107 through CO-116 require that projects retain the natural topographic character and vegetation of hillsides to the maximum extent possible and ensure that all development in such areas is sited and designed to provide maximum protection to public health and safety, public scenic views, and sensitive habitats. The proposed structure would be located on an existing graded pad and would not require the creation of new cut slopes or significant landform alteration. The Project would require limited new removal of natural vegetation in H2 and H3 habitats. The Project is clustered primarily in H3 Habitat near existing residences to the east and north, reducing new visual impacts. The Project's siting, design and proposed building materials are consistent with the standards of the Hillside Policies; therefore, the Commission finds that the Project is consistent with LUP Hillside Management Goals and Policies.

**21. GOALS AND POLICIES—SCENIC RESOURCES.** LUP Scenic Resources Goals and Policies CO-124 through CO-151 require that a Project retain the scenic beauty of the plan area by considering and protecting scenic and visual qualities as resources of public importance. The Project is designed with a maximum height of 18 feet to reduce impacts to scenic resources. On June 12, 2024 the Permittee installed story poles, certified by a licensed surveyor, indicating the location and height of the proposed structure. Based on the photos of the story poles, the Commission finds that the Project, as designed, would not adversely affect scenic resources. Therefore, the Commission finds that the Project meets the requirements of the LUP Scenic Resources Goals and Policies.

**22. GOALS AND POLICIES—CULTURAL RESOURCES.** The LUP Paleontological and Historic Cultural Resources Goals and Policies CO-204 through CO-215 require the preservation of the area's rich and diverse archaeological, paleontological, and historic cultural resources. As a condition of approval, the Project shall be required to utilize cultural and archeological site monitors to ensure that paleontological or historical cultural resources are not disturbed if located on the Project Site. Through the

implementation of this condition, the Commission finds that the Project is consistent with the LUP Paleontological and Historic Cultural Resources Goals and Policies.

### **ZONING CODE CONSISTENCY FINDINGS**

23. **PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the R-C-20 zoning classification because a single-family residence is the principal permitted use in the zone, the Project Site can accommodate accessory structures and uses accessory to the principal permitted use, and grading between 50 cubic yards and 5,000 cubic yards requires a Minor CDP pursuant to County Code Sections 22.44.1750 and 22.44.1260. A Minor CDP is also required for any project that removes or encroaches into the protected zone of an oak tree (County Code Section 22.44.950). Therefore, a Minor CDP is required because the Project proposes 3,694 cubic yards of grading (3,658 cubic yards cut, 36 cubic yard fill, 3,622 cubic yards export), the removal of one oak tree, and encroachment into the protected zone of one other oak tree.
24. **REQUIRED YARDS.** The Commission finds that the Project is consistent with the standards identified in County Code Sections 22.44.1750.E, 22.44.1710, and 22.44.1375.H. The Project setbacks exceed the required 20-foot front yard, five-foot side yard, and 15-foot rear yard setbacks. Because the Project is consistent with the required yards, the Commission finds that the Project is consistent with the setback standards of the LIP.
25. **HEIGHT.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.44.1250. The maximum height for a single-family residence within an SRA in the Coastal Zone is 18 feet above grade, which is the maximum height of the proposed single-family residence.
26. **COLORS/MATERIALS.** The Commission finds that the Project would utilize construction materials that are appropriate for the surrounding area. Roofing materials are not glossy or reflective, and siding materials, including wood, stucco, and concrete, would utilize earth tones and no bright or white colors, pursuant to County Code Section 22.44.1320.
27. **PARKING.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.44.1410. Because the Project Site is greater than one acre in size and is not within a Rural Village, no covered parking spaces are required, although an attached two-car garage would be constructed as part of the Project.
28. **EXTERIOR LIGHTING.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1270. The Project is proposing minimal outdoor lighting that would be appropriately shielded per LIP standards. The Project is appropriately conditioned so that all exterior lighting remains consistent with County Code Section 22.44.1270.

**29. VEGETATION MANAGEMENT AND LANDSCAPING.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1240. The Project includes a preliminary fuel modification plan, which was approved by the Fire Department on November 6, 2024. The Project includes a landscaping plan of primarily locally native drought-tolerant species, which was reviewed by Staff, the Staff Biologist, and the Environmental Review Board (“ERB”). The Project includes conditions of approval to implement the success criteria outlined in the LIP and the prohibition on use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains. Through the design of the Project’s landscaping plan, fuel modification plan, and site layout, and through the Project’s conditions of approval, the Project complies with the vegetation management and landscaping standards of the LIP.

**30. GRADING.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1260. The purpose of these regulations is to ensure that new development minimizes the visual and environmental resource impacts of grading and landform alteration. The Project would include 3,694 cubic yards of total grading, consisting of 36 cubic yards of fill and 3,658 cubic yards of cut. The 3,658 cubic yards of cut would be exported by hauling it to the Calabasas Landfill for proper disposal. The Project provided a geotechnical engineering report dated May 14, 2014 (Geotechnical Report). The Geotechnical Report found that the Project would not likely be subject to adverse effects from earthquake faults, landslide hazards, and other seismic or soils hazards with the incorporation of the engineering recommendations for the Project. The Project will require grading permits from the Department of Public Works for the construction process as well as a Stormwater Pollution Prevention Plan to prevent soil erosion on the Project Site. The Project has been conditioned to prohibit commencement of grading during the rainy season (October 15 through April 15) to reduce runoff issues during earth movement. The MND’s mitigation measures also require the control of fugitive dust during construction activities through the use of watering and stabilizing soils.

**31. FENCES, GATES, AND WALLS.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1310 (Fences, Gates, and Walls), which address the height, location, and type of materials of fences in the Coastal Zone. The LIP limits where fences may be located, their heights, and whether they are wildlife permeable or non-wildlife permeable. Generally, the LIP prohibits non-wildlife permeable fencing in most circumstances, except that fencing that is non-wildlife permeable may extend to the outer extent of Fuel Modification Zone “A” and shall solely be for safety purposes. The Project is proposing 48-inch-tall wildlife permeable fencing along the western property boundary, connecting to the northwest corner of the garage. An additional 48-inch-tall wildlife permeable fence along the eastern boundary would also extend from the northeastern corner of the residence. The fencing is part of the enclosure required for safety requirements for the pool. An existing six-foot-tall iron fence along the driveway, the graded pad, and the toe of the eastern slope would be removed, as it is not consistent with the LIP. Therefore, the Commission finds that the Project is consistent with Section 22.44.1310 of the LIP.

- 32. CONSTRUCTION COLORS, MATERIALS, AND DESIGN.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1320, which require that structures meet a variety of design requirements to protect the scenic qualities of the area, protect wildlife, reduce risks, ensure compatibility with existing patterns of development, etc. The Project was designed to achieve the requirements of this section through various design features, including use of natural colors and materials on the exterior of the residence and structures, use of non-reflective glass, and use of natural materials throughout most of the landscape area.
- 33. WATER RESOURCES.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1340, which implements applicable provisions of the LCP for ensuring the protection of the quality of coastal waters by providing standards for the review and authorization of development consistent with the requirements of the California Coastal Act. The section requires that all proposed development shall be evaluated for potential adverse impacts to water quality and water resources. In addition to the requirements of this section, current National Pollutant Discharge Elimination System standards from the Regional or State Water Quality Board shall apply. The Project includes no stream crossings, alterations, or drainage changes other than the concrete drainage channels already present in the landscaped area. The Project includes a new OWTS, to be located to the east and southwest sides of the residence. The OWTS has been reviewed by the Department of Public Health and was cleared for hearing in a letter dated October 16, 2020. The OWTS proposed for the Project complies with County Code Section 22.44.1340.B.3, including the requirement that the OWTS maintains a minimum distance of 150 feet from all streams and 50 feet from oak trees. The Project includes Low Impact Development methods to address onsite runoff generated by new impervious surfaces, including collection of stormwater runoff into an underground cistern at the end of the driveway. The Project has been conditioned to adhere to the erosion control measures identified in the LIP during and after construction, which are provided in County Code Section 22.44.1340.H.
- 34. VISUAL RESOURCE PROTECTION.** The Commission finds that the Project is consistent with the standards identified in County Code Sections 22.44.1440 and 22.44.1990, which are intended to protect the Coastal Zone scenic resources. The Project Site is located in the vicinity of a scenic route, Mulholland Highway, and in the vicinity of the Stokes Ridge Trail. The Project Site also contains an easement for an undeveloped portion of the Stokes Ridge Trail. Per County Code Section 22.44.1440, the Project Site is within an SRA and is subject to the scenic resource protections standards. This includes a maximum height of 18 feet above grade. The Permittee installed story poles, on June 12, 2024, indicating the location, size and scale of the Project to further verify that the Project would not impact the scenic resources. The Project's site plan, elevations, and story poles indicate that the structures have maximum heights of 18 feet or less and are located on the existing graded pad, meeting the development standards identified in County Code Section 22.44.1440 for SRAs.

**35. LOW IMPACT DEVELOPMENT AND HYDROMODIFICATION.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.1510, which requires projects to implement methods to reduce storm water runoff and erosion impacts created by new development. The Project is required to conserve natural areas, protect slopes and channels, provide storm drain system stenciling and signage, and divert roof runoff to collection points or for percolation before discharge. The Project includes a drain collection system culminating in a 10,000-gallon underground cistern for capture and storage of stormwater runoff for later use in the Project's irrigation system.

**36. BUILDING SITE AREA.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.I, which refers to the maximum allowable building site area. The total building site area of 8,925 square feet is within the maximum building site area of 10,000 square feet.

**37. BIOLOGICAL RESOURCES.** The Commission finds that the Project is consistent with the biological resource requirements of County Code Section 22.44.1800. et. seq. The Permittee's biological assessment was reviewed by the Staff Biologist and the ERB, who found the Project, with modifications, to be consistent with local biological resources. These modifications include a best management practices plan, runoff control measures, retaining a biological monitor, screening the site and staking the grading limits, preparing surveys and restoration plans for nesting birds, and the planting of on-site and off-site mitigation trees. At its meeting on August 28, 2017, the ERB found that the Project, as modified, would not have an impact on biological resources. All of the ERB's recommended modifications have been included within the Project's conditions of approval.

**38. HABITAT CATEGORIES.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. The building site area, as well as the areas of fuel modification, are designated as H3 Habitat and H2 Habitat by the LUP. Development within H2 Habitat is permitted when it is the most appropriate location and no feasible site within H3 Habitat is available. While all direct development would be located within H3 Habitat, a small area of fuel modification (0.7 acres) would be located within H2 Habitat. The small area of H3 Habitat and the need for required fuel modification makes this encroachment unavoidable.

The Project would result in 0.7 acres of fuel modification within the H2 Habitat. Therefore, a condition of Project approval requires the impact to be mitigated through a habitat impact in-lieu fee or, alternatively, by proposing a mitigation plan to be approved by the Director of Regional Planning at a later date, but before grading and construction can occur (County Code Section 22.44.1950).

**39. HAZARDS AREA.** The Commission finds that the Project is consistent with the standards identified in County Code Section 22.44.2050, which is established to protect public health and safety by reducing and mitigating hazards associated with fire, geologic and soil conditions, earthquakes, and flooding that could affect development proposals in the Coastal Zone. The project is located within a Very High

Fire Hazard Severity Zone and is required to provide fuel modification and site access improvements to reduce the risk of loss, injury, or death involving fires. The Project has obtained an approved preliminary fuel modification plan from the Fire Department. Through approval of the final fuel modification plan, access improvements including an on-site Fire Department turnaround, and ongoing maintenance pursuant to the final fuel modification plan, the Project is consistent with County Code Section 22.44.2050 and 22.44.2100.

An Engineering Geologic Study dated February 29, 2016 was prepared for the Project by LandPhases, Inc. The Geologic Study found that the proposed Project is feasible from an engineering geologic standpoint provided that the recommendations presented in the report are incorporated into the design and implemented during construction. The Project is not located within an Earthquake Fault Zone and is not underlain by active fault traces, as shown on the current Malibu Beach Quadrangle and as concluded in the Geologic Study. Further, the Geologic Study found that the Project is not within a Liquefaction Zone. The Project is located in a potential landslide hazard area but was recommended as safe from landslide hazards in the Geologic Study with the incorporation of the proposed design and engineering measures. The Project was also reviewed by the Department of Public Works, which recommended approval of the Project in a letter dated December 31, 2020.

40. **GRANT TERM.** The Commission finds that it is not necessary to require a grant term given the nature of the residential use and the surrounding area.

#### **COASTAL DEVELOPMENT FINDINGS**

41. **The Commission finds that the proposed development is in conformity with the certified local coastal program.** As proposed, the Project would comply with all applicable development standards for residences subject to the Santa Monica Mountains Local Coastal Program, which includes the LUP and LIP, including those standards related to permitted uses, building site area, habitat categories, height restrictions, native tree protection, and scenic resources
42. **The Commission finds that any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.** The Project is not located between the nearest public road near the shoreline or the shoreline of any body of water in the coastal zone, nor is the site used for public access or public trails in the vicinity. Therefore, the Project does not need to meet the requirements of Chapter 3 of Division 20 of the Public Resources Code.

#### **ENVIRONMENTAL FINDINGS**

43. After consideration of the MND and MMRP, the Commission finds on the basis of the whole record that there is no substantial evidence that the Project, as conditioned, will have a significant effect on the environment, and further finds that the MND reflects the independent judgement and analysis of the Commission. The Project's design

features and mitigation measures sufficiently address the environmental considerations of the Project.

44. The Commission finds that the MMRP, prepared in conjunction with the MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Commission further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the Permittee's compliance with the attached conditions of approval and MMRP. The MMRP and its mitigation measures sufficiently address the environmental considerations of the Project.

45. The Commission finds that the Permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.

#### **ADMINISTRATIVE FINDINGS**

46. **LOCATION OF DOCUMENTS.** 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 at LA County 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 Coastal Development Services Section, LA County Planning.

#### **BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:**

- A. The Commission finds that the proposed development is in conformity with the certified local coastal program.
- B. The Commission finds that any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

#### **THEREFORE, THE COMMISSION:**

1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Reporting Guidelines related thereto; certifies that it independently reviewed and considered the MND and that the MND reflects the independent judgment and analysis of the Hearing Officer as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures during Project implementation; determined that on the basis of the whole record that there is no substantial evidence that the Project will have a significant effect on the environment; adopts the MND and finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and

**PROJECT NO. R2014-03698-(3)**  
**MINOR COASTAL DEVELOPMENT PERMIT NO. 201400019**  
**ENVIRONMENTAL ASSESSMENT NO. RPPL2020009798**

**FINDINGS**  
**PAGE 14 OF 14**

2. Approves **MINOR COASTAL DEVELOPMENT PERMIT NO. 201400019**, subject to the attached conditions.

**ACTION DATE: November 20, 2024**

MG:RG:TM  
11/20/24

c: Hearing Officer, Zoning Enforcement, Building and Safety



**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. R2014-03698-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201400019  
ENVIRONMENTAL ASSESSMENT NO. RPPL2020009798**

**PROJECT DESCRIPTION**

The project is a new 18-foot-tall, 10,803-square-foot single-family residence, an attached two-car garage, an on-site wastewater treatment system, a pool with a pool deck, hardscaping and landscaping, and 3,694 cubic yards of grading, as well as the removal of 12 native trees and encroachment into the protected zones of eight native trees (“Project”), subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
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 ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 9, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8, and 11 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. 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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. 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 make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or

expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be 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 full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,646.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **six (6)** inspections.

Inspections may be unannounced. Inspections may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS). Use of an UAS requires the approval of the permittee pursuant to LA County Planning's UAS Policy, which may be updated from time to time, and which shall be provided to the permittee upon request.

10. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
11. Within five (5) working days from the day after the appeal period ends [**December 4, 2024**], the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (NOD) for this Project and its entitlements in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code, currently **\$2,481.75** (\$2,406.75 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”), which are incorporated by this reference as if set forth fully herein.
13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the MMRP and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this Project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to LA County Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to LA County Planning for approval or as required. The reports shall describe the status of the permittee’s compliance with the required mitigation measures.
14. The permittee shall deposit an initial sum of \$6,000.00 with LA County Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. 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 a 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’s health or safety or so as to be a nuisance, or as otherwise authorized pursuant to County Code Sections 22.44.1130 and/or 22.44.1140.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
19. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **one (1) digital copy** of a modified Exhibit "A" shall be submitted to LA County Planning by December 23, 2024.
20. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **one (1) digital copy** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A." All revised plans shall be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### **PROJECT SITE-SPECIFIC CONDITIONS**

21. The building site area, as defined in County Code Section 22.44.630, shall be limited to 8,925 square feet.
22. Prior to the issuance of building permits, the permittee shall obtain a "Post Coastal Commission Approval of Onsite Wastewater Treatment System" from the County Department of Public Health ("Public Health") Environmental Health Division and a will-serve letter from the local water purveyor with all conditions met, to the satisfaction of Public Health.
23. Prior to the issuance of building permits, the permittee shall obtain an updated Form 195 signed and completed by the local water purveyor, to the satisfaction of the County Fire Department.
24. The exterior colors of all structures shall be earth-toned and shall not include bright or white tones. No glossy or reflective materials are permitted for exterior construction, other than glass, which shall be the least reflective variety available.
25. The permittee shall comply with the provisions for exterior lighting as outlined in County Code Section 22.44.1270.
26. All windows and other panels of glass on the exterior of the Project shall be comprised of non-glare/non-reflective glass.

27. Equipment for grading, construction, and fuel modification shall be pressure-washed before transport to the property to remove dirt and any invasive plant propagules. Contractors for grading and construction shall be informed of a policy to pressure-wash equipment before transport to the property to remove any encrusted soil and/or plant propagules from the undercarriage, chassis, wheel wells or other parts and that the biological monitor will be checking equipment at entry to the property. Contractors shall be informed of the requirement to supply drip pans to be placed under all construction vehicles when parked on the property. The biological monitor shall have the authority to check entering construction equipment and send out for washing any equipment with encrusted dirt and/or plant propagules in the undercarriage, chassis, wheel wells or other parts. The biological monitor shall report on the procedures to check equipment washing and results. The biological monitor shall report on whether the contractor has supplied drip pans to be placed under stationary equipment and other parked vehicles. The biological monitor shall report on these procedures and results in the initial Project reports to LA County Planning.
28. A Construction Runoff Plan shall be prepared that depicts the locations of any sediment and debris traps, any straw wattles, sandbags, or silt fence that will be used to direct flows to the traps, and flow directions. The permittee's contractor shall inspect the traps and other containment devices to ensure proper function. The plan shall be implemented during the rainy season or prior to rain events.
29. The permittee's contractor shall comply with all litter and pollution laws and shall provide covered trash receptacles so that all food scraps, food wrappers, beverage containers, etc. can be disposed of. The contractor shall empty the trash receptacles at the end of each day or as needed and dispose of the trash at an off-site landfill.
30. The permittee's contractor shall ensure that no debris, bark, slash sawdust, rubbish, cement or concrete or washing thereof, oil petroleum products, or other organic material from any construction, or associated activity of whatever nature, shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into the nearby stream.
31. The permittee's contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.
32. The permittee's contractor shall position all stationary equipment and any equipment that is to be repaired over the drip pans or other appropriate containment devices.
33. The permittee's contractor shall check and maintain all equipment on a daily basis in order to prevent leaks. If a leak occurs, the permittee's contractor shall immediately clean up any spills and fix the leak.
34. The permittee's contractor shall make available at the property all supplies necessary for clean-up of spills (absorbent and barrier materials in quantities determined by the permittee's contractor to be sufficient to capture the largest reasonably foreseeable spill and drums or containers suitable for holding and transporting contaminated materials).

35. Per the requirements of County Code Section 22.44.1920 J, prior to issuance of the grading or building permit for the Project, the permittee shall dedicate a permanent Irrevocable Open Space Conservation Easement over all areas of the Project Site with grades of more than 50% that are located outside of the existing trail, slope, and road easements. This easement shall be held by the County on behalf of the People of the State of California. No development, as defined in County Code Section 22.44.630, grazing, or agricultural activities shall be allowed in the Irrevocable Open Space Easement, except for the following:
- a. Fuel modification required by the Fire Department undertaken in accordance with the final approved fuel modification plan for the permitted development and/or brush clearance required by the Fire Department for existing development on adjoining properties;
  - b. Drainage and polluted runoff control activities required and approved by Public Works and LA County Planning for permitted development;
  - c. If approved by the County as an amendment to the CDP or a new CDP:
    - i. Planting of native vegetation and other restoration activities;
    - ii. Construction and maintenance of public hiking trails;
    - iii. Construction and maintenance of roads, trails, and utilities consistent with easements in existence prior to approval of the permit; and
    - iv. Confined animal facilities only where consistent with County Code Section 22.44.1940.

The permittee shall provide evidence of the recordation of a valid dedication to the County, and acceptance by the County, or a valid dedication to another public entity acceptable to the Director, and acceptance by said public entity, of a permanent, Irrevocable Open Space Conservation Easement in favor of the People of the State of California over the Irrevocable Open Space Conservation Easement Area for the purpose of habitat protection. The text of the dedication shall be approved by the Director prior to recordation. The recorded easement document shall include a formal legal description of the entire property and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the Irrevocable Open Space Conservation Easement Area. The easement document shall be recorded free of prior liens, including tax liens, and encumbrances. The recorded easement document shall reflect that no development shall occur within the Irrevocable Open Space Conservation Easement, except as otherwise set forth in the CDP conditions, consistent with the exceptions detailed in this condition. Recordation of the easement on the Project Site shall be permanent.

36. As mitigation for the removal of 12 native trees (11 western cottonwoods and one coast live oak) and encroachments into the protected zones of eight native trees (seven western cottonwoods and one coast live oak), 155 replacement trees are required. Of these, 48 native trees (nine coast live oak, seven western sycamore, five black cottonwood, eight blue elderberry, and 19 toyon) shall be planted on-site, as depicted on the approved Exhibit "A" landscape plan. Twenty-eight existing native tree seedlings on-site, as mapped on the approved Exhibit "A" landscape plan, shall be protected in place and counted towards the number of the replacement trees required to mitigate for the removals and encroachments. An additional 118 native trees (79 new trees and 39 new contingency trees) shall be planted on Tree People

Land Trust (“TPLT”) land as revegetation within the Cold Creek Valley Preserve, as described in the Memorandum of Authorization between the permittee and TPLT dated September 16, 2021. Prior to final approval, a fee of **\$55,500**, or the fee based on the rate required at the time of planting, shall be paid to TPLT to undertake these plantings, to the satisfaction of TPLT.

37. Circles with a 15-foot radius around all on-site native trees shall be weeded of all non-natives twice a year (including non-native grasses and other non-native herbaceous plants). Native plants in the 15-foot radius circle shall be allowed to grow. Weeding shall be in fall prior to the rainy season and in spring, prior to weed seed set. Weeding shall include plant roots. All weed parts shall be sent to a landfill in closed containers.
38. The arborist-of-record shall provide and maintain a four-foot-high fencing to protect trees during construction. For work in native tree protected zones, the arborist may take down fencing, supervise work, and reinstall fencing after work completion.
39. All grading and construction work within a tree protection zone (“TPZ”) shall be supervised by the arborist-of-record in conjunction with foremen. All work within TPZs shall be done with hand tools as supervised by the arborist-of-record.
40. If any encroached tree dies or has deteriorating health during the monitoring, a total of 10 mitigation trees of that species shall be planted on the Project Site or in a satisfactory off-site location, as determined by the Director. Mitigation trees shall be monitored for a total of 10 years after planting. Reports on new mitigation trees shall be added to the annual reports.
41. If any mitigation tree dies or deteriorates during monitoring, it shall be replaced by one mitigation tree of the same species and monitored to the end of the original monitoring period. Replacement trees shall be of the stock of the Santa Monica Mountains of Los Angeles and Ventura counties.
42. All storage of accessory uses and movable items (e.g., RV, picnic table, or garden equipment) shall not encroach into TPZs. No structures shall impact TPZs except by specific permit. TPZs shall have no storage, no dumping, and no irrigation, except for irrigation during exceptional drought.
43. TPZs of existing native trees shall be allowed to accumulate six-inch-thick layers of dropped native tree leaves. Initial treatment of TPZs shall be a four-inch layer of native tree leaf mulch/chopped native plant mulch in the TPZs, which shall not touch the tree trunk.
44. The applicant shall submit an annual monitoring report of all onsite and/or offsite mitigation trees for review by the County for a period of 10 years. The applicant shall submit a native tree monitoring and planting replacement program prepared by a qualified biologist, arborist, or other resource specialist, consistent with the requirements contained in County Code Section 22.44.1920 K.1, for review and approval by the Director prior to any development on the Project Site. Should any mitigation tree(s) die or suffer worsened health or vigor as a result of the proposed development, the permittee shall mitigate the impacts at a 10:1 ratio with seedling-

sized trees, in accordance with the approved native tree monitoring and replacement program for the Project. If seedlings for replacement trees are required, they shall be selected from acorns collected in the Santa Monica Mountains. Additionally, one acorn derived from a local Santa Monica Mountains source of the same species as the seedling shall be planted within the irrigation zone of the seedling.

45. Prior to issuance of building or grading permits, seasonally timed special status and sensitive plant survey(s) shall be conducted by a qualified botanist to document the locations(s) and number(s) of any special status plants that may occur within the Project Site. They survey(s) shall be conducted not more than one year prior to the initiation of construction and shall coincide with the appropriate blooming periods for each special status plant species with potential to occur. A summary of findings shall be submitted to LA County Planning Staff (and to other pertinent resource agencies, if necessary) prior to the onset of construction activities.

If any special status plants are identified on the Project Site, the following avoidance and restoration measures shall be followed:

- a. All special status plants that can be feasibly avoided shall be protected from harm during the construction phase and initial fuel modification.
  - b. If any special status plants cannot be feasibly avoided, a mitigation plan shall be developed that contains the following information: the number of specimens affected; identification of on-site preservation location(s); method for restoration, enhancement, and/or transplanting; a performance standard replacement ratio of 1:1 per impacted Rare Plant Rank ("RPR") 4 specimen and 2:1 per impacted RPR 1, 2, or 3 specimen, to be achieved within three years; and adaptive management and remedial measures in the event that the performance standard is not achieved. If on-site mitigation is not feasible, off-site mitigation may be allowed at a replacement ratio of 2:1 per impacted RPR 4 specimen and 4:1 per impacted RPR 1, 2, or 3 specimen.
46. During fuel modification, the permittee shall retain as many non-sprouting species as possible. Such species usually have a single trunk, which shall not be cut off in pruning, as this results in the death of the plant. The permittee shall utilize multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked shrubs shall be pruned in a staggered, clumped pattern on an alternating schedule, allowing two to three years between pruning for any one clump. Resprouting species can be pruned to near ground level. Locally indigenous plants thinned for fuel modification shall be chipped up and used as native plant mulch. Disking and indiscriminate clearing is prohibited in any fuel modification zone. During the removal of fuel ladders from trees, lower branches shall be pruned up to one-third of tree height for trees less than 18 feet tall, or up to six feet maximum for trees 18 feet and taller.
  47. In the event cultural and/or archeological resources are encountered during construction of the Project, all ground-disturbing activities within the vicinity of the find shall cease and a qualified archeologist and Native American Monitor shall be notified. The archeologist, in consultation with the Native American Monitor, shall



make recommendations to the Director, for review and approval, on the steps taken to protect the discovered resources, including but not limited to recordation and excavation of the finds and evaluation and processing of the finds. No further earthwork shall occur in the area of discovery until the Director approves the methods to protect these resources.

48. Development is prohibited on slopes greater than 50%, except where noted on the approved Exhibit "A."
49. All windows and other panels of glass on the exterior of the Project shall be comprised of non-glare/non-reflective glass.
50. Prior to the issuance of a grading permit, a qualified biologist shall be retained by the applicant as the lead biological monitor subject to the approval of the Director. That person shall ensure that impacts to all biological resources are minimized or avoided and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to LA County Planning and the California Department of Fish and Wildlife ("CDFW") at their request.
51. The permittee shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. The contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the biological monitor.
52. Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds as defined by the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:
  - a. If initial grubbing, grading, and construction activities are scheduled to occur outside CDFW's defined nesting season (generally February 1 - August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within seven days prior to, and again within three days prior to, the date that activities are scheduled to begin. The biologist shall focus efforts within the grading area, development area, the fuel modification zones, the driveway area, and areas within 50 feet of them. The biologist shall also survey 300 feet beyond these areas, as access allows.

- b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys beginning 30 days prior to the initiation of Project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of Project activities. If a protected native bird is found in suitable nesting habitat, all Project activities within 300 feet of on- and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31 at the discretion of the biological monitor. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent to these areas, they should establish appropriate buffer zones, as defined in "c" below.
- c. If an active nest is found, regardless of time of year, Project activities within 300 feet of the nest, or within 500 feet of raptor nests, or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.
- d. The qualified biologist shall provide the Director with a brief report summarizing the results of the surveys, as well as a description and assessment of the implemented protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds.
- e. If the qualified biologist determines that a narrower buffer between the Project activities and observed active nests is warranted, they shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the Project activities and the nest and foraging areas) to LA County Planning and CDFW. Based on the submitted information, the Director (in consultation with CDFW) will determine whether to allow a narrower buffer. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist shall monitor the nest before, during, and after the activities, to determine if it is being affected.
  - i. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and must have the authority to stop any activities that exceed 60 dBA if they determine that the activity is affecting, or has the potential to affect, the outcome of a nest.

- ii. The biologist shall send weekly monitoring reports to LA County Planning and, upon request, to CDFW, documenting the status of monitored nests, and shall notify LA County Planning immediately if Project activities damage active avian nests.
53. Temporary wildlife fencing shall be utilized to reduce the potential for wildlife being harmed by or moving into the work site. The permittee's contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
- a. To install the screen, laborers shall remove a five-foot strip of vegetation at the limits of the grading/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and to reduce the potential of them being crushed by heavy machinery.
  - b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.
  - c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.
  - d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.
  - e. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
  - f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the biological monitor conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
54. A pre-construction biological resources survey shall be conducted within the area that is screened and within areas adjacent to the driveway on the day after screening.
- a. The permittee shall plan to remove vegetation from within the screened area no more than one day after completion of the pre-construction biological resources survey.
  - b. Laborers shall use handheld tools to remove the vegetation. Using handheld tools will allow wildlife, including special-status species, a chance to escape and will reduce the potential of them being crushed by heavy machinery.
  - c. A biologist shall monitor vegetation removal to capture and relocate wildlife as necessary. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.

55. Initial grubbing and grading shall occur three to seven days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities allows wildlife, including special-status species, a chance to escape and reduces the potential of them being crushed by heavy machinery. A biologist shall monitor grubbing and grading to capture and relocate wildlife as necessary. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
56. Fuel modification shall occur on the Project Site after or concurrently with the construction phase of the proposed Project, as directed by the Fire Department.
  - a. A qualified biologist shall implement the Nesting Bird Survey and Protection Plan before fuel modification occurs.
  - b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.
  - c. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.
57. A qualified biologist shall survey the Project Site for woodrat houses within the proposed development area, including the proposed fuel modification zones. If woodrat houses are located within the development area, they shall be dismantled and the sticks of each placed in a pile beyond the fuel modification zone. Woodrat houses in the fuel modification zone should be avoided and a surrounding buffer of 10 feet of vegetation left unaltered, if possible. If the 10-foot buffer must be modified, then the woodrat house shall be dismantled, and sticks transferred as described. The biological monitor shall provide a report as evidence of the woodrat survey to LA County Planning prior to any vegetation removal, grading or construction.
58. Any future development on the subject property or improvements to the approved development shall require a CDP amendment or new CDP. Prior to final approval, the permittee shall provide evidence of the recordation of a deed restriction against the property, free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed. The Director shall approve the text of the deed restriction reflecting this future improvement restriction. The deed restriction shall apply to the entirety of the Project Site, and shall insure that any future structures, future improvements, or change of use to the permitted structures authorized by the CDP, including but not limited to, any grading, clearing or other disturbance of vegetation, shall require the approval of an amendment to the CDP or the approval of an additional CDP, and that the exemptions otherwise provided in subsections A.1 or A.2 of County Code Section 22.44.820 shall not apply. The permittee shall provide evidence that the deed restriction appears on a preliminary report issued by a licensed title insurance company for the Project Site.

59. Per County Code Section 22.44.1260 F, grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.
60. The Project shall provide mitigation for 0.7 acres of non-irrigated fuel modification within H2 Habitat through the County's Resource Conservation Program ("RCP"), if such program is valid and in effect, or shall otherwise provide mitigation through payment of an in-lieu fee or restoration as mitigation pursuant to County Code Section 22.44.1950. If the RCP is valid and in effect at the time of implementation of this condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950 A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to, issuance of the Project's certificate of occupancy. If mitigation as restoration is required, the permittee shall submit a restoration and/or enhancement plan consistent with the LIP for review and acceptance by the Director prior to the issuance of grading or building permits. The habitat restoration or enhancement shall be completed prior to or concurrently with construction of the Project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of certificate of occupancy for any portion of the Project.

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#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<b>Regulatory Compliance Measures</b>						
3.1	Air Quality	<b>Fugitive Dust Control.</b> To reduce the project impact on air quality, and associated public health risks, the applicant shall comply with applicable South Coast Air Quality Management District regulations for fugitive dust control as required in Rule 403, including the application of Best Available Control Measures for watering and stabilizing soils during grading and excavation activities.	Compliance with applicable SCAQMD regulations as required in Rule 403.	During grading and excavation activities.	Applicant and subsequent owner(s)	DRP
13.1	Noise	Noise Control Ordinance. To reduce noise impacts, the project applicant shall abide by applicable requirements contained in the Noise Control Ordinance for the County of Los Angeles, Title 12, Section 12.08 during construction and operations.	Compliance with applicable Noise Control Ordinance requirements.	During construction and operations.	Applicant and subsequent owner(s)	DRP
<b>Mitigation Measures</b>						
4.1	Biological Resources	<p>Best Management Practices. Prior to ground disturbing activities, appropriate construction Best Management Practices (BMPs) shall be developed in accordance with those measures identified by the County. BMPs shall mean any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. The following measures shall be implemented during the construction phase to avoid impacts to native habitats and ephemeral drainages adjacent to or in the vicinity of the limits of disturbance, as well as special-status flora and fauna associated with these habitats.</p> <ol style="list-style-type: none"> <li>1. The applicant shall demarcate the project limits of disturbance with exclusionary fencing to prevent encroachment of project activities into adjacent native habitats and to dissuade wildlife from entering the construction area. The fencing shall be marked with highly visible flagging and signed as a sensitive area. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of project construction. A biologist should locate and remove any wildlife within the work site immediately after it has been fenced and one (1) day before construction activity begins.</li> <li>2. If construction lighting is required, then lighting shall be pointed away from native habitats, directed toward the ground, and shielded.</li> <li>3. All food-related trash shall be disposed of in closed animal-proof containers. The project applicant shall be required to provide sufficient containers on site during project construction.</li> <li>4. All trenches shall be filled within the same day, or escape ramps will be constructed if trenches are to be left open overnight.</li> <li>5. All project related equipment and vehicles shall be cleaned and decontaminated of weeds and soils prior to entering the project site to reduce the potential for the spread and introduction of invasive and noxious weeds.</li> <li>6. Contractors shall supply drip pans and place drip pans under all parked construction equipment on the project site.</li> <li>7. Potentially jurisdictional and other waterways shall be demarcated for avoidance during all construction and fuel modification activities. No impacts to the bed and bank or associated riparian vegetation shall occur. Non-natives in waterways of the project parcel and adjacent areas west of Dry Canyon-Cold Creek Road will be replaced by native plantings according to the Landscape Plan sheet L-2.1B.</li> </ol>	Develop BMPs in accordance with the County.	Prior to ground disturbing activities.	Applicant and subsequent owner(s)	DRP

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		<p>8. Demarcation of the birchleaf mountain mahogany chaparral included in the fuel modification area shall remain in place during fuel modification activities and only trained landscape crews shall be allowed to enter this area.</p> <p>9. Construction personnel shall be informed of these demarcations and the sensitive nature of the protected areas. These demarcations shall also be included on the project design and landscape plans.</p>				
4.2	Biological Resources	<p><b>Biological Monitoring.</b> A biological monitor shall be retained during construction to periodically inspect construction BMPs and ensure compliance with Conditions of Approval, including but not limited to the equipment washing, drip pans, and ensure that impacts to special-status species do not occur and disturbance boundaries are respected.</p>	Retain a biological monitor and periodically inspect construction BMPs/COA.	Periodic inspection during construction activities.	Applicant and subsequent owner(s)	DRP
4.3	Biological Resources	<p>Special-Status Plant Species Survey. No more than 7 days prior to initial fuel modification in the 200-foot FMZ, a botanical survey shall be completed to determine the presence/ absence of special-status plants in the proposed disturbance area. If special-status plants are identified, they shall be flagged for avoidance during fuel modification operations. The two patches of cattails (<i>Typha</i> sp.) identified in the Aquatic Resources Delineation Report in swale USW-HLM-02 shall be flagged for avoidance as well. No disturbance and no vehicles shall be permitted within 50 feet of any special-status plant detected during fuel modification. The buffer shall be demarcated with high-visibility flagging, pin flags, or fencing. The width and shape of the buffer may be adjusted, if determined appropriate by a qualified botanist, based on the life history of the species detected, the type of treatment being implemented (such as hand treatment or mechanical treatment), the potential for introducing non-native species through treatment, or the suitability of surrounding habitat.</p>	Complete botanical survey to determine presence/absence of special status plants. If identified, plant shall be flagged.	Prior to initial fuel modification.	Applicant and subsequent owner(s)	DRP
4.4	Biological Resources	<p><b>Removal of Non-Native Plant Species.</b> To minimize impacts to native vegetation communities and potentially occurring special-status plant species, fuel modification activities in Fuel Modification Zones B and C shall focus on non-native species removal. Thinning or removal of native species shall be limited to the minimum amount necessary to achieve Los Angeles County Fire Department standards for FMZs. Non-native species targeted for initial removal shall be mapped and included on the project landscape plans. Non-native species within the boundaries of the potentially jurisdictional waterways present within the property shall not be excavated and shall be controlled using such methods as hand pulling and use of hand tools without disturbance to the bed and bank of the feature. The location of the potentially jurisdictional waterways shall be included on the project landscape plans. Follow-up fuel modification activities will follow the LA County Fire Department standards and will also focus on the removal and control of nonnative species. All debris and slash generated from nonnative plant species removal activities shall be disposed of off-site in a legally acceptable manner. No plant debris from fuel modification activities shall be allowed to remain within the potentially jurisdictional waterways.</p>	Removal or thinning of non-native species within FMZ Zones B and C.	During fuel modification activities.	Applicant and subsequent owner(s)	DRP, LA County Fire Department

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		<p>The primary goal of the revegetation shall be to achieve native cover percentages similar to natural vegetation in the project vicinity. Species cover data was collected during the October 2016 site visit via two continuous line transects in natural habitat south of the project site. The results of the transect data collected are provided below in Table BIO-5-2, Natural Habitat Transect Data Collection Results. The revegetation shall be determined to be successful once established and displaying cover consistent with the average coverage provided in Table BIO-5-2.</p> <p align="center"><b>Table BIO-5-2 Natural Habitat Transect Data Collection Results</b></p> <table border="1" data-bbox="749 626 1510 812"> <thead> <tr> <th>Cover Class</th> <th>Transect 1 Percent Cover</th> <th>Transect 2 Percent Cover</th> <th>Average Percent Cover</th> </tr> </thead> <tbody> <tr> <td>Native Shrub</td> <td>66.06%</td> <td>71.78%</td> <td>68.92%</td> </tr> <tr> <td>Native Herb</td> <td>3.72%</td> <td>0.32%</td> <td>2.02%</td> </tr> <tr> <td>Non-Native Herb</td> <td>0.56%</td> <td>0.20%</td> <td>0.38%</td> </tr> <tr> <td>Bare Ground</td> <td>0.20%</td> <td>27.70%</td> <td>13.95%</td> </tr> </tbody> </table>	Cover Class	Transect 1 Percent Cover	Transect 2 Percent Cover	Average Percent Cover	Native Shrub	66.06%	71.78%	68.92%	Native Herb	3.72%	0.32%	2.02%	Non-Native Herb	0.56%	0.20%	0.38%	Bare Ground	0.20%	27.70%	13.95%				
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4.6	Biological Resources	Pre-Construction Biological Survey. No more than 72 hours prior to the start of construction activities, a qualified biologist shall conduct a pre-construction biological survey for woodrat houses within the proposed development area including the proposed fuel modification zones. If woodrat houses are located within the development area, they should be dismantled and the sticks of each placed in a pile beyond the fuel modification zone. Woodrat houses in the fuel modification zone should simply be avoided and a surrounding buffer of 10-ft. of vegetation left if possible. If the 10-ft. buffer needs to be modified, then the woodrat house should be dismantled and sticks transferred as described.	Conduct a pre-construction biological survey for woodrat houses. If woodrat houses are found, then avoid or develop a 10.-ft buffer.	No more than seven days prior to construction activities.	Applicant and subsequent owner(s)	DRP																				

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4.7	Biological Resources	<p>Pre-Construction Nesting Bird Survey. No more than 7 days prior to initial ground-disturbing activities associated with construction, grading, or fuel modification that would occur during the nesting/breeding season of native bird species potentially nesting on the site (December 1 through September 30 in the project region, or as determined by a qualified biologist), the applicant shall have a single pre-construction survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. If nesting birds are found to be present, surveys will continue on a weekly basis until those within the disturbance zone or buffer area are finished nesting.</p> <p>If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, at the discretion of the biologist in written consultation with the California Department of Fish and Wildlife specialists with ornithological knowledge, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests occur.</p>	Conduct a pre-construction nesting bird survey. If active nests are found, then postpone construction activities and consult with the CDFW.	No more than seven days prior to construction activities during nesting bird season (December 1 through August 31).	Applicant and subsequent owner(s)	DRP
4.8a	Biological Resources	<p>Pre-Construction Bat Survey and Tree Removal Procedure. If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no greater than 7 days prior to disturbance to more precisely determine the presence or absence of roosting bats. Trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season.</p> <p>To the extent feasible, tree removal or relocation shall be scheduled between October 1 and November 30, in order to be outside bird nesting season and outside of the bat maternity roosting season (March 1 to September 30). CDFW should be consulted in all cases when bat roosts are to be removed or blocked. In the event of bat expulsion, bat habitat should be constructed appropriate to the species being expelled. Trees shall be removed in a manner that allows birds and bats to escape, pushed or pulled to the ground in 2-3 nudges, with a pause of approximately 30 seconds between each nudge to allow bats and birds to become active. The tree should then be pushed to the ground slowly and should remain in place for a period of 48 hours to allow any trapped animals to escape. Chain saws shall only be used after the tree has been on the ground for 48 hours.</p>	Conduct a pre-construction bat survey. If active roosts are found, then postpone construction activities and consult with the CDFW.	No more than seven days prior to construction activities during maternity season (March 1 through September 30).	Applicant and subsequent owner(s)	DRP

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4.8b	Biological Resources	The project proponent shall provide the LA County Department of Regional Planning (DRP) and CA Department of Fish and Wildlife (CDFW) the results of protective measures to document compliance with applicable State and Federal laws pertaining to the protection of native birds and other native wildlife. Discussions of reduction of standard protection zones (300- and 500-ft for bird nests) between the biologist and CDFW shall be documented in written form and be part of the project biologist's report on the project.	Provide the DRP and CDFW the results of protective measures to document compliance with applicable State and Federal laws regarding native birds and wildlife.	Prior to ground disturbing activities.	Applicant and subsequent owner(s)	DRP, CDFW
4.9	Biological Resources	<p><b>Restoration of Birchleaf Mountain Mahogany Chaparral</b> Fuel modification impacts to birchleaf mountain mahogany chaparral shall be compensated through restoration of in-kind habitat at a 1:1 ratio. Restoration shall be accomplished according to the following procedures and performance criteria:</p> <p>A Mitigation and Monitoring Plan shall be developed by a qualified biologist, restoration ecologist, or resource specialist, and approved by the LACDRP prior to issuance of the grading permit for the project. In broad terms, the plan shall at a minimum include:</p> <ul style="list-style-type: none"> <li>• Description of the project/impact and mitigation sites</li> <li>• Specific objectives</li> <li>• Success criteria</li> <li>• Plant palettes</li> <li>• Implementation plan</li> <li>• Maintenance activities</li> <li>• Monitoring plan</li> <li>• Contingency measures</li> </ul> <p>The plant palettes shall include the dominant species birchleaf mountain mahogany as well as a diversity of appropriate native species that occur within this plant community at the site.</p> <p>Success criteria shall at a minimum be evaluated based on percent cover of planted native species, as well as control of invasive plant species within the restoration area.</p> <p>The performance standards for the Mitigation and Monitoring Plan shall be at a minimum the following:</p> <ul style="list-style-type: none"> <li>• Within five years after introducing the native plants to the mitigation site, the acreage of restored birchleaf mountain mahogany chapparal shall be no less than the acreage lost to fuel modification activities.</li> <li>• Within five years after introducing the native plants to the mitigation site, the absolute cover of native species shall be no less than 80% within the restoration area.</li> <li>• Non-native species in the treated area shall be less than 15% relative cover by the end of the third year of treatment and less than 5% relative cover by the end of the fifth year of treatment; and,</li> </ul>	Produce a restoration plan that meets County requirements.	Prior to ground disturbing activities.	Applicant and subsequent owner(s)	DRP

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		<ul style="list-style-type: none"> <li>• Restoration will be considered successful after the success criteria have been met for a period of at least 2 years without any maintenance or remediation activities other than invasive species control.</li> </ul> <p>The restoration project shall be initiated prior to development of the project and shall be implemented over a five-year period. The restoration project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the restoration plan, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the restoration project shall be submitted to LACDRP. Five years after Project start, a final report shall be submitted to the LACDRP, which shall at a minimum discuss the implementation, monitoring, and management of the restoration project over the five-year period and indicate whether the restoration project has been successful based on established success criteria. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. The project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the LACDRP.</p> <p>The above can be accomplished either by:</p> <ol style="list-style-type: none"> <li>1. Restoration of in-kind habitat on-site;</li> <li>2. restoration of in-kind habitat off-site within the Santa Monica Mountains;</li> <li>3. The payment of an in-lieu fee to an approved conservation organization to conduct the restoration according to the parameters of the mitigation, or;</li> <li>4. Payment of an in-lieu fee to the "Habitat Impact Fund" of the SMM LIP Resource Conservation Program provided the program and fund are operating and have been determined by the County to sufficiently mitigate the impact. According to Section 22.44.1950 of the LIP "The proceeds of the "Habitat Impact Fund" shall be used by the County to purchase and permanently preserve properties that contain substantial areas of H1 and/or H2 habitat in the coastal zone of the Santa Monica Mountains."</li> </ol>				
4.10	Biological Resources	Prior to the issuance of a grading permit, the project applicant shall submit a Lake or Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code section 1602. If an LSA Agreement is needed, the applicant shall obtain an LSA Agreement and provide compensatory mitigation for impacts to the stream(s) and impacted acreage of associated natural communities at a ratio of no less than 1:1, or at a ratio acceptable to CDFW. The applicant shall provide the County with either a copy of the LSA Agreement, or concurrence from CDFW that an LSA Agreement is not required.	Submit an LSA Notification to CDFW prior to issuance of a grading permit.	Prior to the issuance of a grading permit.	Applicant and subsequent owner(s)	DRP
4.11	Biological Resources	Perimeter fencing of the project shall be modified near the southwest corner and along the south of the development area by installing wildlife-permeable fencing for animals such as deer or mountain lion to transit from Zone C of the west neighbor's property and into the birchleaf mahogany chaparral of Zone C on the project's property. Wildlife shall additionally be able to transit across open, landscaped parts of the project to use the drainage along the east side of the	Provide wildlife-permeable perimeter fencing to transit from Zone C of the west neighbor's property and into the birchleaf mahoagny chaparral of Zone C on the	During construction activities.	Applicant and subsequent owner(s)	DRP

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)  
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		project property. Gaps shall also be created in fencing along the east drainage feature to accommodate this. A plan for wildlife-permeable fencing is shown in Appendix C on Landscape sheet L-1.3.	project property.			
4.12	Biological Resources	<b>Native Tree Replacement Planting Program.</b> Prior to the issuance of a grading permit, the County Department of Regional Planning shall receive and approve a Native Tree Replacement Planting Program that meets the requirements of the Santa Monica Mountains Local Coastal Program and Local Implementation Program (LCP and LIP) Section 22.44.1940.K.1. The project shall provide on-site native tree replacement, off-site native tree planting at a County approved location, or off-site native tree planting through a conservation organization to satisfy relevant mitigation ratios established in the Santa Monica Mountains LCP and LIP for native tree removal or encroachment associated with the project. Native tree impact and replacement requirements shall be included in the project design plans, once finalized. Additional mitigation trees shall be provided offsite in the Malibu Creek Watershed on conserved land managed by an agency with previous experience managing natural lands for conservation purposes. Recommended native replacement tree species and locations are included in the landscape plans prepared by Gaudet Design Group dated September 7, 2021, and the Conceptual Native Tree Replacement Plan prepared by the TreePeople Land Trust ("TPLT") dated September 16, 2021, for onsite and offsite plantings, respectively.	Follow all requirements of the County-reviewed Native Tree Replacement Planning Program regarding tree removals and mitigation requirements.	Prior to the issuance of a grading permit.	Applicant and subsequent owner(s)	DRP
4.13	Biological Resources	<b>Native Tree Encroachment Protection and Monitoring.</b> Prior to grading disturbance or tree removals, native trees on or immediately adjacent to the project site development area to be encroached and/or preserved shall be protected in compliance with the LUP native tree protection policy CO-100 as described in the 24600 Thousand Peaks Road Calabasas, California R2014-03698 Mitigation And Encroached Tree Plan & Annual Report (September 2021). Native tree protections include but are not limited to provision of protective fencing and signage, and instructing workers on the necessity of preventing damage to protected trees during construction, as well as post-construction monitoring and reporting on the condition of all trees impacted during construction for 2 years following completion of construction by an arborist meeting applicable certification requirements of the County.	Install fencing and signage to protect trees to be encroached and/or preserved in place. Monitor and report annually for 2 years after construction	Prior to construction and following construction completion.	Applicant and subsequent owner(s)	DRP
7.1	Geology and Soils	To reduce potential seismic ground shaking impacts at the project site, the project structural engineer shall ratify to the seismic design parameters identified in the project-specific Geotechnical Report prepared by CalWest Geotechnical Consulting Engineers dated May 14, 2014. If a more recent Geotechnical Report is prepared, the recommendations of the most recent geotechnical report shall supersede to the satisfaction of the Director of Public Works.	The project structural engineer shall incorporate seismic design parameters identified in the project-specific Geotechnical Report.	Prior to construction activities.	Applicant and subsequent owner(s)	DPW
7.2	Hydrology	To reduce potential geologic hazard impacts at the project site, the project proponent and contractors shall incorporate the recommendations provided in the Geotechnical Report by CalWest Geotechnical, including those pertaining to the structure and grading, and the Geology Report into the plans and shall implement these recommendations during construction. If a more recent Geotechnical Engineering Report or Engineering Geologic Study is prepared, the	The project contractors shall incorporate recommendations provided in the Geotechnical Report into the plans and during construction.	Prior to and during construction activities.	Applicant and subsequent owner(s)	DPW

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		recommendations of the most recent report shall supersede to the satisfaction of the Director of Public Works.				
10	Hydrology	See 7.1 and 7.2, Geology and Soils				
13.1	Noise	To reduce the impact of construction equipment noise on the neighboring residence to the north of the previously graded building pad, grading and building contractors shall stage and operate heavy equipment as far as feasible from the northern extent of the building pad.	Stage and operate heavy equipment as far as feasible from the northern extent of the building pad on-site.	During construction activities.	Applicant and subsequent owner(s)	DRP
13.2	Noise	During construction of the driveway between the motor court and Thousand Peaks Road, contractors shall use smaller equipment, sound blankets, or a combination thereof, to reduce the impact of construction noise on the adjacent residence to the maximum extent feasible.	Use smaller equipment and sound blankets during construction activities.	During construction of the driveway between the motor court and Thousand Peaks Road.	Applicant and subsequent owner(s)	DRP
19	Mitigation Compliance	As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting compliance report to the Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such as all mitigation measures have been implemented and completed.	Submittal and approval of compliance report and replenishing mitigation monitoring account	Yearly and as required until all measures are completed.	Applicant and subsequent owner(s)	DRP
20	Wildfire	See 7.2, Geology and Soils				