

## DIRECTOR'S REPORT TO THE REGIONAL PLANNING COMMISSION

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DATE ISSUED: July 25, 2024

MEETING DATE: August 7, 2024 AGENDA ITEM: 5(a)

PROJECT NUMBER: PRJ2024-001240-(3)

PERMIT NUMBER: Administrative Coastal Development Permit  
("ACDP") RPPL2024001863

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 4209 Ocean View Drive, Malibu (Assessor's Parcel  
Number 4461-016-031)

OWNER: Joe Spangler

APPLICANT: Rachel Anderson

CASE PLANNER: Jon Schneider, Regional Planner  
Coastal Development Services  
jschneider@planning.lacounty.gov

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### DIRECTOR'S ACTION

The Director of Planning, by her action of June 6, 2024, has **APPROVED** the above-referenced project pursuant to County Code Sections 22.44.940.E, 22.44.940.G and 22.44.1020. The appeal period for this ACDP ended on June 20, 2024.


### PROJECT DESCRIPTION

The Project authorizes the construction of 16 roof-mounted solar modules, appurtenant equipment, and associated wiring affixed to the existing single-family residence. The Project is located within habitat designated as H3 (significantly disturbed) and H1 Quiet Zone (less than 200 feet from H1 Habitat). However, no new development will occur within the H1 Quiet Zone because the Project is roof-mounted and does not include any ground disturbance. Therefore, no impacts from the development will extend into any environmental resources of hazardous or critical concern or into any particularly sensitive environment. The Project is located within the existing building site area of an authorized development. The Project qualifies for a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines, and the Environmental Document

Reporting Procedures and Guidelines for the County, because this exemption specifically applies to small structures associated with an existing single-family residence.

Pursuant to County Code Section 22.44.940.1.2, if one-third or more of the full membership of the Commission so request, the issuance of an ACDP shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a Major CDP application subject to all provisions of the Santa Monica Mountains Local Implementation Program.

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Report  
Reviewed By:   
Robert Glaser, Supervising Regional Planner

Report  
Approved By:   
Mitch Glaser, Assistant Administrator

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LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Director's Final Letter
EXHIBIT B	Findings and Conditions

June 6, 2024

Rachel Anderson  
5316 Venice Blvd.  
Los Angeles, CA 90019

PROJECT NO. PRJ2024-001240-(3)  
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. RPPL2024001863  
4209 OCEAN VIEW DRIVE, MALIBU (Assessor's Parcel Number 4461-016-031)

Dear Applicant:

The LA County Planning Director (Director), by her action of June 6, 2024, has approved the above-referenced project. Enclosed are the Director'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).

The applicant or any other interested persons may appeal the Director's decision in accordance with County Code section 22.44.940.H.1. The appeal period for this project will end at 5:00 p.m. on June 20, 2024.

To file an appeal, please contact:

Appeals must be submitted through the County's online permit management system (EPIC-LA). For instructions on how to appeal online, please email administrative services at [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. 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.

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.

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

Sincerely,

AMY J. BODEK, AICP  
Director of Regional Planning

A handwritten signature in black ink, appearing to read 'Amy J. Bodek', with a horizontal line extending to the right.

Robert Glaser, Supervising Regional Planner  
Coastal Development Services Section

RG:TM:JS

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

c: PW (Building and Safety), Zoning Enforcement, Coastal Commission, Ventura Office

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. PRJ2024-001240-(3)  
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. RPPL2024001863**

**PROJECT DESCRIPTION**

The Project is the construction of 16 roof-mounted solar modules, appurtenant equipment, and associated wiring affixed to an existing single-family residence on a property located at 4209 Ocean View Drive in the Santa Monica Mountains Coastal Zone 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 (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 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 Regional 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 Regional

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. 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. Inspections may 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. Inspections may be unannounced and may be conducted utilizing any available technologies, including but not limited to, unmanned aircraft systems (UAS).

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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$426.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. 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 Chapter 22.238 of the County Code.

11. 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.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. 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").

**PROJECT SITE SPECIFIC CONDITIONS**

14. The roof-mounted solar panel modules, associated equipment, and wiring shall be entirely affixed to the existing single-family residence.

RG:TM:JS  
04/25/24

**LOS ANGELES COUNTY**  
**DEPARTMENT OF REGIONAL PLANNING**  
**FINDINGS OF THE DIRECTOR**  
**AND ORDER**  
**PROJECT NO. PRJ2024-001240-(3)**  
**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. RPPL2024001863**

**RECITALS**

1. **ENTITLEMENT(S) REQUESTED.** The permittee, Rachel Anderson ("Permittee"), requests the Administrative Coastal Development Permit ("ACDP") to authorize 16 roof-mounted solar modules and appurtenant equipment affixed to an existing single family residence ("Project") on a property located at 4209 Ocean View Drive ("Project Site") in the R-C-10,000 (Rural Coastal—10,000 Square Foot Minimum Required Lot Area) Zone within the Santa Monica Mountains Coastal Zone pursuant to Los Angeles County Code ("County Code") Section 22.44.940.
2. **ENTITLEMENT(S) REQUIRED.** The ACDP is required to authorize the placement and maintenance of 16 roof-mounted solar modules and appurtenant equipment, including junction boxes and wiring, affixed to an existing single-family residence in the R-C-10,000 Zone, pursuant to County Code Sections 22.44.810, 22.44.1560, and 22.44.1750. Coastal Development Permit No. 5-91-590, issued by the California Coastal Commission on October 9, 1991, approved the construction of a 2,645 square-foot single-family residence with an attached car garage and septic tank; the residence was later rebuilt after the Woolsey Fire with RPPL2019004566 as a 2,906-square-foot residence, including garage. 5-91-590 was conditioned with future development restrictions requiring a new CDP for any future development. Because the proposed solar array is associated with the principal permitted use in the R-C Zone (a single-family residence), does not propose grading, and does not require review by the Environmental Review Board ("ERB"), an ACDP is required for the Project.
3. **LOCATION.** The Project is located at 4209 Ocean View Drive (Assessor's Parcel Number 4461-016-031) within the Santa Monica Mountains Planning Area.
4. **LAND USE DESIGNATION.** The Project Site is located within the RV (Rural Village) land use category of the Santa Monica Mountains Local Coastal Program ("LCP") Land Use Plan. The principal permitted use in the RV land use category is single-family detached residences on small lots.
5. **ZONING.** The Project Site is in the Malibu Zoned District and is zoned R-C-10,000. Pursuant to County Code Sections 22.44.1750.A.2 and 22.44.1560.B.2, a solar energy array is a use and



structure accessory to the principal permitted use (a single-family residence) and requires an ACDP.

## 6. SURROUNDING LAND USES AND ZONING

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RV, RL-20 (Rural Land, 20 Acre Minimum Required Lot Area)	R-C-10,000, R-C-20 (Rural Coastal—20 Acre Minimum Required Lot Area)	Single-Family Residences, Vacant Land
EAST	RV, OS (Open Space)	R-C-10,000/ O-S (Open Space)	Single-Family Residences, Vacant Land, Open Space
SOUTH	RV, OS	R-C-10,000/ O-S	Single-Family Residences, Vacant Land, Open Space
WEST	RV, RL-20	R-C-10,000, R-C-20	Single-Family Residences, Vacant Land

## 7. PROJECT AND SITE PLAN DESCRIPTION.

### A. Existing Site Conditions

The Project Site is approximately 0.27 acres in size and consists of one legal lot developed with a 2,906-square-foot single-family residence. The parcel is relatively rectangular in shape and sloped upwards towards the northwest and downward the southeast. The single-family residence and garage are located on the lower southwestern portion of the parcel.

### B. Site Access

The Project Site is accessible from Ocean View Drive to the southeast. Ocean View Drive is a 30-foot-wide public road.

### C. Site Plan

The site plan for the Project depicts a 35-foot high, 2,906 square-foot single-family residence and a driveway. The proposed roof-mounted solar modules are shown to be situated on the roof of the residence. The 16 modules are shown to extend a maximum height of five inches above the existing roof with appurtenant equipment. The Project is within the existing building site area of the residence.

## 8. CEQA DETERMINATION.

The Director has determined that the Project qualifies for a Class 3, (New Construction or Conversion of Small Structures), Categorical Exemption from the

California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the construction of a small structure associated with an existing single-family residence. According to the Santa Monica Mountains Local Implementation Plan (“LIP”), H3 Habitat includes native vegetation communities that have been significantly disturbed or removed as part of a lawfully established development and fuel modifications areas around existing development. The Project is located within H3 Habitat, and the proposed development is located on the roof of an existing structure. Further, no development is proposed within Despite the Project being located within the H1-Quiet Zone (less than 200 feet from H1 Habitat), no impact from the development will extend into any environmental resources of hazardous or critical concern and or particularly sensitive environment. The Project is not expected to impact scenic or historic resources because the Project consists of roof-mounted solar modules that extend a maximum of thirteen inches above the existing roof line and appurtenant equipment on an existing single-family residence. The Project Site is also not on any hazardous waste site list. Therefore, the proposed Project is not subject to an exception to the CEQA exemptions, and the Class 3 Categorical Exemption may be applied.

9. **COMMUNITY OUTREACH.** No community outreach was conducted by the Permittee because the Project consists of roof-mounted solar panels, which is an accessory structure and use for the previously approved single-family residence.
10. **PUBLIC COMMENTS.** No public comments were received regarding the Project.
11. **AGENCY RECOMMENDATIONS.** County department consultations were not required, as the Project represents a discretionary approval without a public hearing for an accessory structure associated with the previously approved single-family residence.
12. **LEGAL NOTIFICATION.** The Director finds that pursuant to Section 22.44.940.F. of the County Code, the community was properly notified of the request for permit by site posting and mail. On April 18, 2023, a total of 73 Notices of Request for Permit were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 18 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

#### **GENERAL PLAN CONSISTENCY FINDINGS**

13. **LAND USE POLICY.** The Director finds that the Project is consistent with the goals and policies of the Santa Monica Local Coastal Program Land Use Plan (“LUP”), as construction of a roof-mounted solar devices is consistent with the RV land use designation. The Director finds that the Project is consistent with the underlying RV land use designation because the proposed roof-mounted solar panel array is a permitted accessory use and integrally related to the

principal permitted use (single-family residence), is appropriately designed, is located on existing development, and is consistent with all development standards of the LIP.

14. **GOALS AND POLICES.** The Director finds that the Project is consistent with LUP Policies Regarding New Development, including Policy CO-76, which directs new development to minimize grading, alteration of physical features, and vegetation clearance to prevent soil erosion. The Project is proposing a roof-mounted design that eliminates the need for any grading or brush clearance activities.
15. **GOALS AND POLICES.** The Director finds that the Project is consistent with LCP Scenic Resources Goals Policy CO-128, which states that new development shall be subordinate to the character of its setting. The roof-mounted solar array is proposed on a developed parcel with a single-family residence. In the immediate vicinity of the Project Site there are other developed parcels containing single-family residences. The panels will extend a maximum of five inches above the roof surface, which is consistent with the LIP allowance of six feet above the maximum allowable height.
16. **GOALS AND POLICES.** The Director finds that the Project is consistent with LCP Scenic Resources Goals Policy CO-145, which directs that solar energy devices/panels shall be sited on the rooftops of permitted structures where feasible, to minimize site disturbance and the removal of native vegetation. The Project, a solar energy array, is proposed to be mounted on the roof of an existing single-family residence.

#### **ZONING CODE CONSISTENCY FINDINGS**

17. **PERMITTED USE IN ZONE.** The Director finds that the Project is consistent with the R-C-10,000 zoning classification as roof-mounted solar energy arrays/devices are permitted as an accessory use to a principal permitted use (single-family residence) in such zone with an ACDP pursuant to County Code Section 22.44.1750 and 22.44.1560. The Project qualifies for the ACDP, as the development is an improvement to a property containing existing development approved pursuant to a valid Los Angeles County building permit and CDP Number 5-91-590, is mounted to the roof of the existing residence, and will not result in any development or impacts within H1 or H2 Habitats. All other applicable standards of the Los Angeles County Zoning Ordinance (Los Angeles County Code, Title 22) would be met.
18. **HEIGHT.** The Director finds that the Project is consistent with the standard identified in County Code Section 22.44.1560.B.2, limiting the height of roof-mounted solar facilities to six feet above the maximum allowable height. The site plan depicts the roof-mounted solar array having a maximum height of five inches above the roof surface.
19. **ALTERNATIVE ENERGY.** The Director finds that the Project is consistent with the standards identified for solar energy devices identified in County Code Section 22.44.1560. The Project meets the requirements and preferred location for solar energy devices to be roof mounted.

20. **BIOLOGICAL RESOURCES.** The Director finds that the Project is consistent with the biological resource's requirements of County Code Section 22.44.1800. et. seq. The Project is located within H3 Habitat (significantly disturbed and/or developed areas) and H1 Quiet Zone. However, because it is mounted to the roof of the existing single-family residence and does not require new fuel modification or increase the existing fuel modification zone of the residence, it does not require review by either Department of Regional Planning biologist or the ERB, as determined by the Director (County Code Section 22.44.1860 C.2.c). It is also not within a designated Coastal Commission appealable area.) but does not propose any disturbance or impact to the surrounding environment. Thus, an Administrative Coastal Development Permit is the appropriate entitlement.

#### **COASTAL DEVELOPMENT PERMIT FINDINGS**

21. **The Director finds that the proposed development is in conformity with the certified local coastal program.** The Director finds that the Project is proposed to be installed on an existing, legal single-family residence within H3 Habitat and H1 Quiet Zone but does not require review from the ERB pursuant to 22.44.1860. The Project is integrated with the existing development and minimizes the amount of disturbance that will occur on the Project Site. The Project is consistent with the applicable policies of the Santa Monica Mountains Land Use Plan, the R-C Zone development standards, the community-wide development standards, and the area-specific development standards of the LIP.

22. **The Director 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 road near the shoreline or the shorelines 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**

23. The Director finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15303 (Class 3 [New Construction or Conversion of Small Structures] categorical exemption). The Project involves the construction and maintenance of roof-mounted solar modules and appurtenant equipment on an existing single-family residence. The Project does not qualify as an exception to exemption because it is not located in an environmentally sensitive area and does not contain any scenic or historic resources. Therefore, the Project is not expected to have any significant effects on the environment.

#### **ADMINISTRATIVE FINDINGS**

24. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is at the

Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of Coastal Development Services, Department of Regional Planning.

**BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES THAT:**

- A. That the proposed development is in conformity with the LCP; and
- B. That the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

**THEREFORE, THE DIRECTOR:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15303 of the State CEQA Guidelines (Class 3 [New Construction or Conversion of Small Structures] Categorical Exemption); and
- 2. Approves **ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. RPPL2024001863**, subject to the attached conditions.

**ACTION DATE: April 25, 2024**