

## REPORT TO THE HEARING OFFICER

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DATE ISSUED: December 26, 2024

HEARING DATE: January 7, 2025                      AGENDA ITEM: 3

PROJECT NUMBER: 2016-002560-(3)

PERMIT NUMBER(S): Major Coastal Development Permit (“Major CDP”)  
No. RPPL2017006101

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 570 Schueren Road, Malibu

OWNER: Winnie Lam

APPLICANT: Winnie Lam

CASE PLANNER: Nathan M. Merrick, Principal Planner  
NMerrick@planning.lacounty.gov

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### RECOMMENDATION

*The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:*

LA County Planning staff (“Staff”) recommends **APPROVAL** of the requested one-year time extension for Project No. 2016-002560-(3), Major CDP No. RPPL2017006101.

Staff recommends the following motion:

### **ENTITLEMENT(S):**

**I, THE HEARING OFFICER, APPROVE THE TIME EXTENSION REQUEST FOR MAJOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017006101.**

### **PROJECT DESCRIPTION**

#### **A. Entitlement(s) Requested**

- Winnie Lam (“Permittee”) requests a one-year time extension for the use of Major CDP No. RPPL2017006101 (“Project”), which authorized the construction of an 18-foot-tall, 2,957-square-foot single-family residence, a two-vehicle carport, a 950-square-foot workshop, a 942-square-foot barn, a 3,900-square-foot fenced animal enclosure, an onsite wastewater treatment system, a pool with pool deck, and 6,492 cubic yards of grading in the R-C-5 (Rural Coastal, Five Acre Minimum required Lot Area) Zone within the Santa Monica Mountains Coastal Zone. The Project was approved by the Los Angeles County (“County”) Board of Supervisors on June 27, 2023, with an approval expiration date of August 8, 2025.

A single one-year time extension may be granted pursuant to County Code Section 22.44.1100.A.1 and the provisions of Project Condition No. 9. The Permittee requested a one-year time extension and paid the applicable fee on October 5, 2024. The Permittee asserts additional time is necessary to begin construction due to delays in the review of the Project by other County agencies.

On September 27, 2024, the Governor approved [Assembly Bill 2729](#) (“AB 2729”), which extended the approval expiration date of any housing entitlement that was approved before January 1, 2024, and that will expire before December 31, 2025, by 18 months. AB 2729 does not preclude the County from exercising its authority to provide an additional one-year time extension pursuant to County Code Section 22.44.1100.A.1 and the provisions of Project Condition No. 9. Therefore, the Project’s approval expiration date of August 8, 2025, has been extended by 18 months to February 8, 2027, and the recommended action will further extend the approval expiration date to February 8, 2028.

For questions or additional information, please contact Nathan M. Merrick at [NMerrick@planning.lacounty.gov](mailto:NMerrick@planning.lacounty.gov).

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Report Reviewed By:  for Rob Glaser  
Rob Glaser, Supervising Regional Planner

Report Approved By:   
Mitch Glaser, Assistant Administrator

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LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Major CDP No. RPPL2017006101 Findings and Conditions (Approved on June 27, 2023)



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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DAWYN R. HARRISON  
County Counsel

June 27, 2023

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

38 June 27, 2023

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

CELIA ZAVALA  
EXECUTIVE OFFICER

Agenda No. 6  
09/27/22

**Re: Project No. 2016-002560-(3)  
Major Coastal Development Permit No. RPPL2017006101-(3)**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced project consisting of Major Coastal Development Permit No. RPPL2017006101-(3) authorizing the construction of an 18-foot-tall, 2,957-square-foot single-family residence, a two-vehicle carport, a 950-square-foot workshop, a 942-square-foot barn, a 3,900-square-foot fenced animal enclosure, an on-site wastewater treatment system, a pool with pool deck, and 6,492 cubic yards of total grading located at 570 Schueren Road in the Santa Monica Mountains Planning Area. At the conclusion of the public hearing, your Board indicated an intent to approve the project and instructed our office to prepare the appropriate documents for your Board's consideration. Enclosed are the findings and conditions.

Very truly yours,

DAWYN R. HARRISON  
County Counsel

By   
KATHY PARK  
Deputy County Counsel

APPROVED AND RELEASED:  
  
THOMAS J. FAUGHNAN  
Senior Assistant County Counsel

KP:ll

Enclosures

c: Fesia A. Davenport, Chief Executive Officer  
Celia Zevala, Executive Officer, Board of Supervisors  
Amy J. Bodek, Director, Department of Regional Planning

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NO. 2016-002560-(3)  
MAJOR COASTAL DEVELOPMENT PERMIT RPPL2017006101-(3)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the appeal of Project No. 2016-002560-(3), consisting of Major Coastal Development Permit ("CDP") No. RPPL2017006101-(3) on August 30, 2022, which was continued to September 27, 2022. The County Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on March 30, 2022, which was continued to April 27, 2022.
2. The applicant, Winnie Lam ("Permittee"), requests a Major CDP to authorize the following: construction of an 18-foot-tall, 2,957-square-foot single-family residence; two-vehicle carport with roof-mounted solar panels; 950-square-foot workshop; confined animal facility consisting of a 942-square-foot barn and 3,900-square-feet of fenced animal enclosure; an on-site wastewater treatment system ("OWTS"); pool with pool deck; hardscaping and landscaping; and 6,492 cubic yards of total grading, of which 3,571 cubic yards are for existing slope remediation, 2,323 cubic yards for the finished slope, and 598 cubic yards for the construction of residence and accessory structures ("Project"). The Project is located at 570 Schueren Road ("Project Site") in the R-C-5 (Rural Coastal, Five Acre Minimum Required Lot Area) Zone, pursuant to Los Angeles County Code ("County Code") Section 22.44.1750.
3. Pursuant to County Code Section 22.44.1750, a single-family residence is the principal permitted use in the R-C-5 Zone. Accessory uses to the principal permitted use allowed in the R-C-5 Zone include animals as pets for personal use, carports, OWTS, landscaping, hardscaping, fences, walls, roof-mounted solar arrays, patios and decks, pools, and grading for the principal permitted use and related accessory uses and structures. Additionally, accessory structures, such as a personal workshop, barn, fenced animal facility enclosure, and grading for such accessory uses and structures are allowed in the R-C-5 Zone with a CDP. Pursuant to County Code Sections 22.44.1750 and 22.44.1260, grading exceeding 5,000 cubic yards requires a Major CDP. County Code Section 22.44.860.C states that a proposed development is subject to the highest-level CDP required for the development. Therefore, the Project requires a Major CDP and was heard by the Commission, pursuant to County Code Section 22.44.970.E.2.
4. The Project Site is located on a property also known as Assessor's Parcel Number 4453-026-007 in the unincorporated coastal zone segment of the Santa Monica Mountains ("SMM").
5. The Project Site is located in the SMM Local Coastal Plan ("LCP"), which consists of the SMM Land Use Plan ("LUP") and the SMM Local Implementation

Program ("LIP") (County Code Chapter 22.44). The Project Site is within the RL5 – Rural Lands (1du/5ac) land use category of the LCP-LUP Map. The intended use in the RL5 category is single-family residences in areas with existing low-density single-family residences and access to higher-capacity public roads.

6. Surrounding zoning within a 500-foot radius includes:

North: R-C-5 and O-S-P (Open Space-Parks);  
South: R-C-5;  
East: R-C-5 and R-C-20 (Rural Lands – 1du/20ac); and  
West: R-C-5 and O-S-P.

7. Surrounding land uses within a 500-foot radius include:

North: Single-family residences, open space, and vacant land;  
South: Vacant land and single-family residences;  
East: Vacant land and single-family residences; and  
West: Single-family residences and open space.

8. The Project Site is 1.83 acres in size and consists of one legal lot, pursuant to Certificate of Compliance No. 1238 dated March 19, 1979. The Project Site is trapezoidal in shape with steeply downward sloping topography on the northern half of the Project Site before transitioning to a flat disturbed pad on the southern portion of the Project Site. The Project Site contains non-native vegetation and irrigation, as well as retaining walls and debris from an old tennis court, which is fenced in the southeast portion. The Project Site is accessible via Schueren Road to the north.

9. The site plan ("Site Plan") depicts the Project Site with a new 2,957-square-foot, 18-foot-tall single-family residence and two-vehicle carport with roof-mounted solar panels. The driveway, carport, and vehicle maneuvering area are located on the roof level of the residence, slightly below grade of Schueren Road. The Site Plan shows the dwelling space located below the parking level and partially cut into topography of the slope. The Site Plan depicts a 950-square-foot workshop to the east of the residence. The workshop is 12 feet and four inches tall and does not include any bathroom facilities or plumbing fixtures. There is a generator for emergency power for the Project located outside of the northeast corner of the workshop. Adjoining the southern portion of the residence is a pool deck, pool with jacuzzi, barbeque deck, and outdoor seating areas. There is also a downhill water feature culminating in a 1,560-square-foot pond on the flat pad portion of the Project Site, south of the proposed residence. Underground pipes connected to the rainwater downspouts of the residence traverse along the western edge of the property leading to a rain garden for stormwater capture and infiltration on-site. A second rain garden is located in the flat pad area to the southeast of the residence and workshop. The OWTS is located in the

southwest portion of the Project Site in the existing flat pad area, where it was reviewed and approved by the Department of Public Health ("Public Health").

10. The proposed 942-square-foot barn and 3,900-square-feet of fenced animal enclosure are located in the extreme southeast of the Project Site, where the existing tennis court is to be removed to accommodate the barn and animal enclosure. The barn will have roof-mounted solar panels, and the fenced animal enclosure has a vegetated filter strip for capture of animal waste. Fencing along the northern portion of the Project Site and within the Fuel Modification Zone A of the residence and workshop is depicted along with an access gate for the driveway. The Site Plan depicts the use of materials, including concrete, stone veneer, brushed aluminum panels, wood siding, and painted aluminum louvers in natural colors, such as gray, brown, and tan. Landscaping and irrigation are depicted throughout the Project Site, pursuant to the Fuel Modification Plan approved for the Project. The Project would include: 6,492 cubic yards of total grading with 3,571 cubic yards of over excavation and re-compaction needed for remedial slope repair; 2,323 cubic yards (213 cut and 2,110 fill) needed to create the finished slope; and 598 cubic yards (497 cut and 101 fill) needed for the construction of the residence and accessory structures.
11. The County Department of Regional Planning ("Regional Planning") staff ("Staff") determined that the Project is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Class 3 (New Construction or Conversion of Small Structures) ("Class 3 Exemption") and Class 4 (Minor Alterations to Land) ("Class 4 Exemption") under the State CEQA Guidelines and the County Environmental Document Reporting Procedures and Guidelines. The Project falls within the Class 3 Exemption, as it would involve the construction of one new single-family residence, with related accessory uses, including: a workshop; barn and fenced animal enclosure; and infrastructure, including driveway, carport, OWTS, pool, spa, barbeque deck, roof-mounted solar panels, hardscaping, landscaping qualify, fencing, and retaining walls. Class 4 Exemptions consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Exemption includes grading on land of 10 percent or greater slope, which is involved with one single-family residence and accessory uses. The Project grading consists of 6,492 cubic yards. Of the total grading, 3,571 cubic yards of over excavation and re-compaction are needed for remedial slope repair. There are 2,323 cubic yards (213 cut and 2,110 fill) needed to create the finished slope and 598 cubic yards (497 cut and 101 fill) for the construction of the residence and accessory structures.
12. The Permittee submitted a Geologic Report dated July 7, 2009, and a Geologic Reconnaissance Report dated September 21, 2016, prepared by Mountain Geology Incorporated ("Geologic Reports"). The Geologic Reports found that past grading on the Project Site consisted of cut and fill associated with the

construction of Schueren Road and the creation of the southeast facing slope and level pad area. The Geologic Reports interpreted that fill was placed on the downslope edge of the road located on the north and northwest margin of the Project Site. The Geologic Reports state that the Project Site is underlain by fill, soil, and earth slump debris over sedimentary rock. The earth slump limits coincide with the slope failure mapping (landslide debris), but the subject property was not part of a large prehistoric landslide mass mapped in the area. The Geologic Reports conclude that the Project is feasible from an engineering geologic standpoint and provide the implementation of recommendations in the report, including corrective action for landslide debris. The Geologic Reports state that the proposed Project will be free from geologic hazards, such as landslides, slippage, and settlement, and will not have an adverse effect on the stability of the Project Site of adjacent properties provided the implementation of recommendations and all properly maintained structures.

13. Class 4 Exemption addresses the Project's fuel modification activities, as the Fuel Modification Plan depicts fuel modification activities in H3 Habitat, and such area is already subject to Zone C clearance activities by the surrounding existing development. There is O-S-P zoned land on the north side of Schueren Road, within 200 feet of the Project Site. No fuel modification or brush clearance will occur in any O-S-P land, as the Project's Fuel Modification Plan is limited to the Project Site boundaries. No off-site brush clearance will occur in the O-S-P land owned and managed by the National Park Service, which provided a letter describing that no fuel modification or brush clearance activities are allowed on federal parkland. The Project would generate no new significant impacts to the environment and would minimize impacts to the Project Site's mapped habitat, as recommended by the staff biologist ("Staff Biologist").
14. The Permittee provided a biological report dated November 2016, prepared by Jacqueline Bowland Worden of Impact Sciences ("Biological Report"). The Biological Report supplemented the previous Biological Assessment prepared for the Property in July 2010, by Greg Finn-Forde Biological Consultants ("Biological Assessment"). The Staff Biologist agreed with the recommendations with revisions incorporated in the Biological Assessment and Biological Report. The Staff Biologist further provided revisions to the proposed landscaping plans. Chiefly, the Staff Biologist requested that native species be substituted and to ensure proposed plantings and existing plantings are consistent with the fuel modification requirements for the Project Site. The Biological Assessment and Biological Report found that the Project Site is H3 Habitat, as the Project Site is within the fuel modification zones for surrounding single-family residences, has been previously graded and developed, and contains a tennis court with fencing and debris from a demolished tennis court within the existing flat pad area. County Code Section 22.44.1810 describes H3 Habitat as areas where the native vegetation has been significantly disturbed or removed or has been substantially fragmented or isolated by existing development. It further describes that H3 Habitat includes fuel modification areas surrounding existing

development. Therefore, the Project is not an exception to the exemptions under section 15300.2.a of the CEQA Guidelines.

15. On February 25, 2021, the Project's preliminary Fuel Modification Plan was approved. The Project includes a landscape plan reviewed by Staff and the Staff Biologist and meets the requirements of LIP, and primarily local native drought-tolerant species, except for non-native eucalyptus trees to be removed as required by the approved Fuel Modification Plan. The Project includes conditions of approval to implement the success criteria outlined in the LIP and prohibition of the use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance, which have the potential to significantly degrade biological resources in the SMM. Through the design of the Project's landscape plan, preliminary Fuel Modification Plan, Project Site layout, and as conditioned, the Project complies with the LIP Vegetation Management and Landscaping standards.
16. The Project will not affect protected native trees. The Permittee submitted a Native Tree Assessment ("Tree Assessment") dated April 30, 2021, prepared by South Environmental for the Project. The Tree Assessment indicates that there are two laurel sumacs and one coast live oak on the Project Site. The size of the trees, location, and proximity to the Project does not require the removal or encroachment of any protected native trees. The laurel sumacs are not of protected size, as no single trunk or multi-trunks equal the dimensions for protected classification. The coast live oak is of protected size but is outside of the Project's areas of impact and will not be affected during construction of the Project. The Project conditions require protective fencing and arborist monitoring of the oak to ensure it is not impacted during construction. The conditions will also require mitigation plantings, as required by the LIP should the tree be encroached or damaged irreparably by the Project.
17. The Project includes a new OWTS to be located south of the residence in the existing flat pad area. 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 and, therefore, it will not directly affect the nearby watershed. Public Health reviewed the OWTS and cleared it for hearing in a letter dated June 2, 2021.
18. On June 18, 2021, the Permittee installed story poles, indicating the location, size, and scale of the Project, and verifying that the Project would not affect the scenic resources. The Project Site is located along Schueren Road, a mapped scenic route. Staff conducted a site visit and observed that the Project was visible from the scenic road. An 18-foot height limitation is required.
19. The Permittee submitted a signed written verification dated March 3, 2022, by Mark Sandstrom, a State-licensed land surveyor, indicating the certification of the



story pole heights. The story poles indicated that the structures have a maximum height of 18 feet or less and are located on the downward slope and existing flat pad.

20. Prior to the Commission's hearing of the Project, Staff received the following letters:
  - A. National Parks Service: Stated that no fuel modification or brush clearance activities would be allowed on federal parkland in a letter dated March 4, 2019;
  - B. County Fire Department ("Fire Department"): Recommended clearance to a public hearing with recommended conditions in a letter dated July 15, 2019;
  - C. County Department of Parks and Recreation ("Parks and Recreation"): Indicated that the Project will not impact any Parks and Recreation facilities in a letter dated July 18, 2019;
  - D. County Department of Public Works ("Public Works"): Recommended clearance to a public hearing with no recommended conditions in a letter dated February 3, 2021; and
  - E. Public Health: Reviewed the OWTS and cleared it for hearing in a letter dated June 2, 2021.
21. Staff received no public comments during the Project noticing period and the public hearing noticing periods.
22. The Commission scheduled a duly-noticed public hearing on the Project on March 30, 2022. Prior to the March 30, 2022, Commission hearing, Staff provided a memorandum to the Commission requesting a continuance to April 27, 2022, to allow the Permittee to complete the required story-pole construction and posting of public hearing notice signs. The Commission continued the hearing to April 27, 2022.
23. The Commission held its scheduled and duly-noticed public hearing on April 27, 2022. Staff presented the Project to the Commission. Commissioner Hastings inquired how long the Project had been in process prior to the April 27, 2022, hearing to which Staff provided clarification in its response. The Permittee provided testimony in support of the Project. There being no further questions or comments, the Commission closed the public hearing and approved the Project. The Commission's action included approval of Condition No. 19 that requires recorded open space dedication of all slopes of 50 percent or greater on the Project Site prior to the issuance of grading or building permit for the Project.
24. The Permittee timely filed an appeal of the Commission's action on May 10, 2022, challenging Condition No. 19 of the Project's approval regarding protection

of slopes of 50 percent or greater and the requirement of a dedication of such slope land areas as approved on April 27, 2022.

25. On August 30, 2022, the Board continued to September 27, 2022, the duly-noticed public hearing on the appeal challenging Condition No. 19 of the Commission's approval of the Project. On September 27, 2022, Supervisors Hilda Solis, Holly Mitchell, Sheila Kuehl, Janice Hahn, and Kathryn Barger attended the meeting. Staff produced an amended Condition 19 in conformity with the LIP and LCP, requiring the dedication of steep lands (lands over 50 percent slope) outside of the approved Project Site area and all areas of land outside of Fuel Modification Zones A and B through a permanent Irrevocable Open Space Conservation Easement to be held by the County or other County-approved entity, in the event steep lands remain outside of the approved Project Site. The Permittee testified at the hearing, thanking "everybody for their good work" and Staff for helping her to build her house. Brian Headman, attorney for the Permittee, cited the revised Condition 19 is in conformance with the LIP and LCP and supported the recommendation of Staff to the Board. There was no testimony from the public and no comments from the Board members at the hearing. The Board closed the public hearing, made a finding that the Project is exempt from CEQA, indicated its intent to accept the appeal, and directed County Counsel to prepare the final documents upholding the Commission's approval with modification to Condition of Approval No. 19.
26. The Board 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 RL5 land use category is single-family residences in areas with existing low-density, single-family residences, and access to higher-capacity public roads. The Project is the construction of a new single-family residence with accessory structures and is, therefore, consistent with the intended use of the underlying land use category.
27. The Board finds that the Project is consistent with LUP Pattern and Character of Development Goals and Policies LU-27 through LU-51, which 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 SMM, as follows:
  - A. 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 on the downward slope descending from Schueren Road and on the existing flat pad area on the southern portion of the Project Site.
  - B. The Project Site area is 9,172 square feet, which equates to 11.5 percent of the Project Site, less than the maximum allowed 10,000 square feet or 25 percent of the lot (19,928 square feet), whichever is less.

- C. The Project Site is located in H3 Habitat and within the fuel modification areas for surrounding residences. The Fuel Modification Plan would only affect H3 Habitat and would not affect the parkland open space on the north side of Schueren Road.
  - D. The Project limits the maximum height for all structures to 18 feet to reflect the policies protecting scenic resources, such as scenic routes. The residence has been sited on the sloped area nearest the Project Site access from Schueren Road where remedial grading would be required to occur even if the residence is located elsewhere on the Project Site. By siting the residence on the same location as remedial grading, the total area for required grading is reduced.
  - E. The accessory barn and animal enclosure (confined animal facility) are located in an area containing an existing tennis pad and will make use of portions of the existing fencing and walls.
  - F. The Project involves the limited use of outdoor lighting fixtures, which are placed for safety and access and meet the requirements of the Dark Skies standards by using low wattage and downward shielded lighting fixtures.
  - G. The Project includes limited irrigation, as noted on the Fuel Modification Plan, for the purposes of fire prevention, and limited watering during drought and high-risk fire periods. The Project includes two rain gardens fed by the roof storm water runoff through downspouts and swales leading to the rain gardens.
  - H. The Project incorporates roof-mounted solar panels on the carport, workshop, and barn.
28. The Board finds that the Project is consistent with LUP Development and Environmental Resources Goals and Policies LU-1 through LU-26, which require that land uses reflect and are compatible with existing environmental resources and community character, as follows:
- A. The Project is located in an area containing existing single-family residences with accessory structures.
  - B. The Project Site is previously disturbed with graded slopes, a flat-graded pad, with existing tennis court, debris from a previous tennis court, retaining walls, and a staircase.
  - C. The residence is to be near the existing public road and near other existing residences.
  - D. The placement of the Project components would reduce impacts to the Project Site and preserve the scenic resources by restricting the maximum height to 18 feet and located below the grade of Schueren Road.

- E. The structures would be finished in natural colors and non-reflective materials to reduce visual impacts.
  - F. The Project is within the vicinity of 10 other residences, half of which are along Tabard Road immediately to the east of the Project Site.
  - G. The Project includes a Fuel Modification Plan with only H3 Habitat areas impacted.
29. The Board finds that the Project is consistent with the site design policies identified in the LUP Policies CO-74 through CO-94, which include access road limitations, grading and retaining wall design, fencing, animal containment facilities, wells and test pits, leach fields, OWTS, and exterior lighting. The Project includes one access driveway, which takes access from Schueren Road to street level off-street parking to help minimize impacts while meeting access requirements of the Fire Department and Public Works and is consistent with LUP CO-79. The Project's OWTS is located on the existing disturbed graded pad within the Project Site. The Project includes minimal outdoor lighting, consistent with the LUP Dark Skies policies to allow adequate safety and access lighting near the walkways and entry doors. The proposed lighting is all low wattage, downward facing, and shielded to reduce light spillover effects and night sky lighting.
30. The Board finds that the Project is consistent with LUP Fuel Modification Plan standards. The Project's structures include fire resistant exterior materials, LUP Fuel Modification Plan standards, and brush clearance standards, as outlined in LUP CO-96 through CO-98.
31. The Board finds that the Project is consistent with the LUP Biological Resources Goals and Policies, set forth in LUP Policies CO-99 and CO-100, as the Project is designed to avoid impacts to native trees. The Tree Assessment concludes that while the Project Site does contain native tree species, including two laurel sumacs and one coast live oak, the trees' size, location, and proximity to the Project does not require the removal or encroachment of any protected native trees.
32. The Board finds that the Project is consistent with LUP Hillside Management Goals and Policies, which ensure 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, coastal waters, public scenic views, and sensitive habitats. The proposed structures would be set along the descending slope and on an existing flat pad within the Project Site. The Project would require limited new removal of natural vegetation, as the Project Site is in H3 Habitat. The Project is designed to sit naturally into the scenic surroundings, making use of natural color tones, non-reflective windows, clustered in

H3 Habitat near existing residences to the east, south, and west, and therefore, reducing new visual impacts.

33. The Board finds that the Project meets the requirements of the LUP Scenic Resources Goals and Policies CO-124 through CO-151, which require that the scenic beauty of the area be retained by considering and protecting scenic and visual qualities as resources of public importance. The Project is designed with a maximum height of 18 feet for all structures to reduce impacts to scenic resources. On March 3, 2022, the Permittee installed story poles, certified by a State-licensed surveyor, indicating the location and height of the proposed structure, to allow viewing from off-site scenic resources. Based on the photos and story poles, the Project as designed would not adversely affect scenic resources.
34. The Board finds that the Project is consistent with LUP Paleontological and Historic Cultural Resources Goals and Policies CO-204 through CO-215, which 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, if resources are discovered during ground disturbances, to ensure that archaeological, paleontological, and/or historic cultural resources are not disturbed if located on the Project Site.
35. The Board finds that the Project is consistent with the LUP Fire Hazards Goals and Policies SN-20 through SN-36, which require that the built environment be designed to avoid or minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption due to wildland fires. The Project has been designed using fire resistant materials and landscaping consistent with the Fuel Modification Plan, which was approved on February 25, 2021.
36. The Board finds that the Project is consistent with the R-C-5 Zone classification, as a single-family residence is the principal permitted use in the zone, can accommodate accessory structures, and uses accessory to the principal permitted use, and grading exceeding 5,000 cubic yards requires a Major CDP, pursuant to County Code Sections 22.44.1260 and 22.44.1750.
37. The Board 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 and meets the findings for modification of a front yard setback and encroachments into rear yard setbacks. The Project provides a front yard setback of 10 feet authorized by County Code Section 22.44.1375.S, which allows a modification to required yards when topographic features limit compliance with yard requirements. The property slopes steeply downward from Schueren Road and would require a longer driveway and additional grading to push the entirety of the structure further down the slope. The structure is to have off-street parking under a two-vehicle carport on the level accessed from Schueren Road. The remainder

of the residence is located below this level. The Project provides and exceeds the required five-foot side yard setback and 15-foot rear yard setback, except for the area containing the fenced animal enclosure. In such an area, the six-foot-tall fencing is located within the rear yard setback but allowed, pursuant to County Code Sections 22.44.1375.Q and 22.44.1310.C, which describe that fencing not exceeding six feet in height may be located within a rear yard.

38. The Board finds that the Project is consistent with the standard identified in County Code Section 22.44.1250.B. The Project is to have a maximum height of 18 feet. The Permittee installed story poles on March 3, 2022, where it was shown that the proposed Project with the maximum height of 18 feet would not adversely impact Scenic Resources, pursuant to County Code Sections 22.44.1250.C, 22.44.1440, and 22.44.2000.
39. The Board finds that the Project is consistent with the standard identified in County Code Section 22.44.1410.Y.1.a. Pursuant to County Code Section 22.44.1410.Y.1, the Project is not required to provide off-street parking spaces because it has more than one acre of land per dwelling unit. However, because the Project takes access off Schueren Road and there is no parking available on Schueren Road, the Project is proposing to provide two covered parking spaces in a two-vehicle carport located on the uppermost level of the residence. By providing covered off-street parking, it will ensure parking does not affect adjoining private or public areas.
40. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1270, which requires that exterior lighting be minimized, restricted to low intensity, fully shielded, and concealed to protect night skies, public views, and minimize wildlife impacts. The Project includes limited outdoor lighting near the walkways, stairs, and doors. The lights are all low wattage, downward facing or shielded, to prevent upward and off-site light trespass. Further, the Project is conditioned to ensure ongoing compliance with the night sky lighting provisions of the LIP.
41. The Board 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 on February 25, 2021. The Project's landscape plan includes primarily local native drought-tolerant species, except for non-native eucalyptus trees, which would be removed from the Project Site, as required by the Fuel Modification Plan. Staff and the Staff Biologist found the landscape plan meets the requirements of the LIP. The Project includes conditions of approval to implement the success criteria outlined in the LIP and prohibition of use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance which has the potential to significantly degrade biological resources in the SMM or Coastal Zone. Through the design of the Project's landscape plan, preliminary Fuel Modification Plan, site layout, and as conditioned, the Project complies with the Vegetation Management and Landscaping standards of the LIP.

42. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1260, which ensures that new development minimizes the visual and environmental resource impacts of grading and landform alteration. The Project includes 6,492 cubic yards of total grading which requires a Major CDP. However, of the total grading, 3,571 cubic yards of over excavation and re-compaction are needed for remedial slope repair. The Geologic Reports state that the Project Site is underlain by fill, soil, and earth slump debris over sedimentary rock. The earth slump limits coincide with landslide debris, but the subject property was not part of a large prehistoric landslide mass mapped in the area. The Geologic Reports conclude that the Project is feasible from an engineering geologic standpoint, provided the recommendations therein, including corrective action for landslide debris, are implemented. The Geologic Reports state that the Project will be free from geologic hazards, such as landslides, slippage, and settlement, and will not have an adverse effect on the stability of the Project Site or adjacent properties, provided the implementation of the recommendations and all structures are properly maintained. There are 2,323 cubic yards (213 cut and 2,110 fill) needed to create the finished slope. The remaining 598 cubic yards (497 cut and 101 fill) are needed for the construction of the residence and accessory structures. The Project has been conditioned to prohibit commencement of grading during the rainy season (October 15 through April 15) to reduce storm water runoff issues during earth movement.
43. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1310, which addresses height, location, and type of materials for fencing and walls. The LIP limits where fences can be located, their height, and whether they are wildlife permeable or non-wildlife permeable. Generally, the LIP prohibits non-wildlife permeable fencing in most circumstances, except that non-wildlife permeable fencing may surround the immediate development, extend no further than the outer extent of Fuel Modification Zone A (typically 20 feet from structures that require fuel modification), and shall be solely for safety purposes. The Project is proposing non-wildlife permeable fencing and driveway gate along the front of the residence and detached workshop. Such fencing is set back 10 feet, does not exceed six feet in height, is located within the Fuel Modification Zone A, and is, therefore, consistent with the LIP. The driveway gate is of similar construction to the fencing and is six feet tall with a width of 10 feet to allow a vehicle to pass through. There is a confined animal enclosure, consisting of a barn with walled and fenced animal enclosure on the southern portion of the flat pad area. The animal enclosure walls and fencing will be comprised of portions of the existing wall for the tennis court that will be removed from the fenced animal enclosure area. The existing 42-inch-tall walls will have 30 inches of wood fencing placed on top. Pursuant to County Code Section 22.44.1310.J, non-wildlife permeable fencing for animal containment facilities may be allowed where it is demonstrated that the layout and extent of the fencing will not significantly impede wildlife movement through the property or surrounding area. The fencing for the animal enclosure is within an area already containing walls and fencing for a tennis

court. The Project will modify existing fencing area, not result in new impediments, and not have an adverse impact in wildlife movement.

44. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1320, which requires that structures meet a variety of design requirements to protect scenic qualities of the area, protect wildlife, reduce risks, ensure compatibility with existing patterns of development, landscape screening, etc. The Project is designed to achieve the requirements of this Section through various design choices, including use of natural colors and materials on the exterior of the residence and structures, use of non-reflective windows, and use of natural materials throughout most of the landscape area.
45. The Board 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 and requires all proposed development to be evaluated for potential adverse impacts to water quality and water resources, including applicable National Pollutant Discharge Elimination System standards from the Regional or State Water Quality Board. The Project includes no stream crossings, alterations, or drainage changes; therefore, it will not directly impact the nearby watershed. The Project includes a new OWTS to be located south of the residence in the existing flat pad area, which was reviewed by Public Health and complies with County Code Section 22.44.1340.B.3. The Project includes multiple Low Impact Development ("LID") methods to address on-site runoff generated by new impervious surfaces, including collection of roof runoff into two rain gardens located in the flat pad area south of the Project Site area, to allow for on-site percolation of stormwater. The Project has been conditioned to adhere to the erosion control measures identified in the LIP during and after construction, pursuant to Section 22.44.1340.H.
46. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1350, which addresses development on slopes exceeding 15 percent. The Project is located on the northern side of the property, which slopes to the south with a 25 to 50 percent grade. The residence is on the sloped area nearest the Project Site access from Schueren Road, where remedial grading would be required to occur even if the residence were located elsewhere. By siting the residence on the same location as remedial grading, the total area for required grading is reduced. The accessory barn and fenced animal enclosure are located outside of any hillside management area, in the flat pad area to the south. Currently containing the existing tennis court pad, the Project will make use of portions of the existing fences and walls. The Project minimizes areas of new grading beyond that required to remediate the existing slope. The residence will be set on the northern slope to allow access from Schueren Road without requiring large areas of grading for an access driveway. The Project includes LID methods to capture storm water runoff,



distribute the storm water runoff to collect and percolate within the Project Site, and reduce alterations to drainage patterns.

47. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1430, which addresses exploratory test holes for water wells and the access road thereto, percolation testing for OWTS, and any other activity associated with evaluating a site for development. The Project includes exploratory test holes used to analyze geology of the Project Site and determine locations for septic percolation. The Project includes the location of testing pits near the Project Site, accessed by existing access roads, within the property's neighboring access easement. Minimal site work and grading were necessary to complete the testing pits. Testing occurred within areas that are H3 Habitat. Temporary covers and erosion control measures were used to protect the Project Site from erosion and instability.
48. The Board finds that the Project is consistent with the standards identified in County Code Sections 22.44.1440 and 22.44.1990, which protect the Coastal Zone scenic resources. The Project Site is located along Schueren Road, a mapped scenic route. Staff conducted a site visit and observed that the Project was visible from the scenic road and required an 18-foot height limit. The Permittee installed story poles on June 18, 2021, indicating the location, size, and scale of the Project to further verify that the Project would not impact the scenic resources. The Permittee submitted a signed written verification by Mark Sandstrom, a State-licensed land surveyor, indicating the certification of the story pole heights dated March 3, 2022. The story poles indicated that the structures have maximum height of 18 feet or less and are located on the downward slope and existing flat pad, meeting the development standards identified in Section 22.44.1440 for scenic resource areas.
49. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1510, which requires implementation of 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; divert roof runoff to vegetated areas before discharge, unless the diversion would result in slope instability; and direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability. The Project includes two storm water collection bio swales (rain gardens) to address storm water runoff from the new impervious surfaces. The remaining tennis courts would be removed from the Project Site to allow on-site percolation in areas not containing the proposed structures.
50. The Board finds that the Project is consistent with the standards identified in County Code Sections 22.44.1800, et seq., on biological resources in the SMM.
  - A. Because the Project Site and surrounding habitat within the fuel modification and brush clearance areas are H3 Habitat, biological review of the Project by the Environmental Review Board was not required. The

Permittee provided a Biological Report which supplemented the Biological Assessment for the Project Site. The Biological Assessment and Biological Report were reviewed by the Staff Biologist who agreed with the recommendations with revisions incorporated. The Staff Biologist further provided revisions to the proposed landscaping plans. Chiefly, the Staff Biologist requested that native species be substituted to ensure plantings and existing plantings are consistent with the fuel modification requirements for the subject property. The Biological Assessment and Biological Report found that the Project Site is H3 Habitat, as the Project Site is within the fuel modification zones for surrounding single-family residences, has been previously graded and developed, and contains a tennis court with fencing and debris from a demolished tennis court within the existing flat pad area.

- B. County Code Section 22.44.1810 describes H3 Habitat as areas where the native vegetation has been significantly disturbed or removed or have been substantially fragmented or isolated by existing development. It further describes that H3 Habitat includes fuel modification areas surrounding existing development. The Project will not impact protected native trees, as evidenced by the Tree Assessment dated April 30, 2021, submitted for the Project. The Tree Assessment indicates that there are two laurel sumacs and one coast live oak on the Project Site. The laurel sumacs are not of protected size, as no single trunk or multi-trunks equal the dimensions for protected classification. The coast live oak is of protected zone but is outside of the Project areas of impacts and will not be impacted during construction of the Project. The Project has been conditioned to require protective fencing and arborist monitoring of the oak to ensure it is not impacted during construction. The conditions will also require mitigation plantings, as required by the LIP, should the tree be encroached or damaged irreparably by the Project.
51. The Board finds that the Project is consistent with the requirements of County Code Section 22.44.1900, which requires that new development adjoining parklands shall be sited and designed to minimize impacts to habitat and recreational opportunities to the maximum extent feasible and shall provide a 100-foot buffer from parkland resources. On the north side of Schueren Road, there is federal parkland owned and managed by the National Parks Service. The Project does not adjoin the parkland and is bisected by Schueren Road. As such, the 100-foot buffer does not apply. Nonetheless, the Project is sited to occur in H3 Habitat approximately 70 feet from the parkland, and there will be no fuel modification of the parkland as evidenced by the National Parks Service letter dated March 4, 2019.
52. The Board finds that the Project is consistent with the land planning and development standards, as outlined in County Code Section 22.44.1910, which requires that new development shall be sited in a manner that avoids the most biologically sensitive habitat.

- A. The Project is located in H3 Habitat, which is the least biologically sensitive habitat, pursuant to the LIP. The Project is within the surrounding fuel modification areas for existing residences nearby. The Project will not occur in H1 or H2 Habitats and will not impact protected native trees.
  - B. County Code Section 22.44.1910.I stipulates that where new residential development is permitted in H3 Habitat, the maximum allowable building site is 10,000 square feet or 25 percent of the parcel size, whichever is less. The Project Site is 1.85 acres (80,586 square feet), and the building site area is limited to the lesser 10,000 square feet. The Project submitted a building site area exhibit that depicts the proposed Project Site area of 9,172 square feet. The Project Site area is comprised of the following: 2,957 square feet for the main house; 1,045 square feet for the workshop; 1,609 square feet for the pool, spas, and patio area; 1,560 square feet for the landscaped pond and waterfall; 240 square feet for the stairs on the north side; 90 square feet for the front fencing and gate; 237 square feet for the drainage swale and culverts; and 1,434 square feet for the required Fire walkway access.
  - C. Pursuant to County Code Section 22.44.630, confined animal facilities, grading necessary to correct an adverse geologic condition, and fuel modification area required by the Fire Department are excluded from the Project Site area limitation. As such, the barn with adjoining fenced animal enclosure, grading area necessary to remediate the northern slope, and the fuel modification for the Project are not limited to the Project Site area.
53. The Board finds that the Project is consistent with the standards of County Code Section 22.44.1920, which provides development standards related to grading and vegetation removal, fencing, access roads, OWTS, lighting, chemicals, future improvements, and native trees.
- A. The Project is appropriately designed and sited in H3 Habitat and does not require fuel modification outside of the surrounding disturbed H3 Habitat areas. The Project is conditioned to require nesting bird surveys to be conducted prior to any on-site grading or vegetation removal. Any protected nesting birds pursuant to State or federal law will remain undisturbed with postponement of construction activities until a qualified avian biologist subsequently confirms the nest is no longer active and recommends that construction may proceed under applicable State and federal laws pertaining to protection of nesting birds.
  - B. The Project is proposing non-wildlife permeable fencing and driveway gate along the front of the residence and detached workshop. Such fencing does not exceed six feet in height, is located within the Fuel Modification Zone A, and is, therefore, consistent with the LIP. The driveway gate is of

similar construction to the fencing and is also six feet tall with a width of 10 feet to allow a vehicle to pass through. There is a confined animal enclosure consisting of a barn with walled and fenced animal enclosure on the southern portion of the flat pad area. The animal enclosure walls and fencing will be comprised of portions of the existing wall for the tennis court that is being removed for the animal enclosure area. The existing 42-inch-tall walls will have 30 inches of wood fencing placed on top. Pursuant to County Code Section 22.44.1310.J, non-wildlife permeable fencing for animal containment facilities may be allowed where demonstrated that the layout and extent of the fencing will not significantly impede wildlife movement through the property or surrounding area.

- C. The Project proposes to take access off Schueren road, which eliminates the need for new driveway grading and paving to take access to the site Dresser Road or Tabard Road. The proposed 26-foot 9-inch-long driveway from Schueren Road is in H3 Habitat. The proposed OWTS is also located in H3 Habitat in a disturbed flat pad area partially impacted by a previous tennis court and containing concrete debris. The OWTS is not within 100 feet of any stream or riparian vegetation and is further than 50 feet from any protected native tree. The Project includes limited outdoor lighting near the walkways, stairs, and doors. The lights are all low wattage, downward facing, or shielded to prevent upward and off-site light trespass. Further, the Project has been conditioned to ensure ongoing compliance with the night sky lighting provisions of the LIP. The Project is also conditioned to prohibit the use of insecticides, herbicides, anticoagulant rodenticides, and other similar toxic chemicals that may significantly degrade the biological resources in the Coastal Zone.
  - D. The Project is located in H3 Habitat and further than 200 feet from any H1 or H2 Habitat. Accordingly, the Project is not required to be subject to a condition requiring future improvements to be approved via CDP amendment or a new CDP. The Project is not in or adjacent to H1 Habitat, H2 Habitat, or parkland. However, because portions of the Project Site contain small, isolated areas of slopes exceeding 50 percent, the Project is required to record an open space deed restriction across all steep lands (lands with slope over 50 percent) to preserve such areas in perpetuity as a condition of approval.
54. The Board finds that the Project is consistent with the requirements for confined animal facilities, pursuant to County Code Section 22.44.1940 of the LIP. Confined animal enclosures are permitted within the required fuel modification area for the principal permitted use in H2 or H3 Habitat and may include barns, turnout pens, hay storage structures, non-irrigated arenas and pens, water troughs, non-irrigated pasture, and fencing associated with any of the foregoing facilities. Because the Project is proposing a barn, fenced animal enclosure, storage shed, compost bins, and watering containers within the fuel modification

zone for the proposed Project and within H3 Habitat, confined animal enclosure is allowed.

- A. As required by Section 22.44.1940, lighting for the Project's animal facility is consistent with County Code Section 22.44.1270, which requires that any lighting for confined animal facilities be limited to necessary security lighting attached to the barn with maximum 60-watts, motion-controlled lighting, and installed at maximum height of 15 feet above finished grade.
  - B. As required by Section 22.44.1940, the Project is consistent with the livestock and equine management standards of County Code Section 22.44.1450, as follows:
    - i. The Project's confined animal facilities are located in H3 Habitat and further than 100 feet from any H1 Habitat.
    - ii. The siting and design are consistent with the slope and habitat protection requirements, as it is located in the flat pad area containing an existing tennis court pad and walls with fencing.
    - iii. The proposed fencing is six feet, which is the maximum height and is consistent with County Code Sections 22.44.1940 and 22.44.1310, as described above.
    - iv. The Project will implement Best Management Practices, including the use of a vegetated filter strip using vegetation, soil berms, gravel, jute filter fabric, and gravity flow to capture and filter animal waste and allow collection for proper disposal. The Project will also use compost bins confined within the enclosed barn to prevent storm water runoff of such materials.
    - v. The Project is conditioned to require that the animals occupying the confined animal enclosure be secured, pursuant to the most current recommendations or guidance from the California Department of Fish and Wildlife to prevent mountain lion attacks on such animals. Securing said animals includes, but not limited to: bringing animals inside the barn and closing door and windows at times when mountain lions are most active, such as at dawn, dusk, and at night; securing animals at any such time that the Project Site is not managed by the occupant, or their designated caretaker, who is able to oversee the containment of the animals; and ensuring proper storage of animal feed to avoid attracting potential mountain lion prey to the Project Site.
55. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.2050 for the Hazards Area, 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 on sloping terrain within mapped landslide hazards area. However, the Project was evaluated through geologic and soils reports, including analysis of potential landslide hazards; was determined not to be within a landslide hazard zone; and is, therefore, feasible from a geologic engineering perspective. The Geologic Reports submitted for the Project found that past grading on the Project Site consisted of cut and fill associated with the construction of Schueren Road and created on the southeast facing slope and level pad area. The Geologic Reports state that the proposed Project will be free from geologic hazards, such as landslides, slippage, settlement, and will not have an adverse effect on the stability of the site of adjacent properties, provided the implementation of recommendations and all structures are properly maintained. Public Works reviewed the Project, addressing concerns related to the engineering and construction of the residence and recommended approval of the Project. Therefore, the Board finds the Project consistent with the requirements of County Code Section 22.44.2050.

56. The Board finds that the proposed development is in conformity with the certified LCP. The Project is designed to be located in H3 Habitat on existing disturbed area to reduce the overall impact to the Project Site. Grading for the construction of the residence and accessory structures is limited, and a majority of the grading is required to remediate past grading and landslide debris. The Project is limited to a maximum height of 18 feet to prevent impacts to scenic resources. The residence is located close to Schueren Road to allow minimal new grading and construction of new access. The residence is on a descending slope further preventing potential scenic impacts. The Project colors and materials are natural earth tone colors consistent with the LIP. The Project will not require fuel modification to any parkland or any other habitat besides the surrounding disturbed H3 Habitat. The Project makes use of existing concrete tennis courts, fencing, and walls modified and regulated under the LIP rather than the existing impervious surfaces that do not address storm water collection. The Project provides storm water capture and filtration through rain gardens to allow natural percolation. There is no impact to protected native trees. The Project's landscape plan has been reviewed by the Fire Department's Fuel Modification Unit and the Staff Biologist and is consistent with all requirements. The Project is located in an area containing several existing single-family residences and is compatible with the surroundings.
57. The Board finds that the Project is not located between the nearest public road and the sea or the shoreline of any body of water in the Coastal Zone, nor is the Project Site used for public access or public trails in the vicinity. Therefore, Chapter 3 of Division 20 of the Public Resources Code does not apply.
58. The Board finds that given the nature of the use and the surrounding area, Major CDP is appropriate and does not require a grant term.

59. The Board finds that the Project is categorically exempt from CEQA pursuant to Class 3 Exemption and a Class 4 Exemption under the State CEQA Guidelines and the County Environmental Document Reporting Procedures and Guidelines and that the exceptions to the exemptions set forth in the CEQA Guidelines section 15300.2 do not apply.
- A. The Project consists of the construction of one new single-family residence, OWTS, accessory workshop, barn and fenced animal enclosure, pool, spa, barbeque deck, roof-mounted solar panels, fencing, retaining walls, hardscaping, and landscaping. The Project Site is H3 Habitat and affected by existing brush clearance activities generated by existing neighboring single-family residences, which overlap the entire Project Site. The Project Site contains non-native landscaping and irrigation on the steeply sloped northern portion of the Project Site. In the flat graded pad area in the southern portion of the Project Site, there are remnants of a tennis court pad with concrete debris and an existing tennis court with fencing and walls. The Project is located within an area with H3 Habitat which, according to the LIP, includes native vegetation communities that have been significantly disturbed or removed as part of lawfully established development and fuel modification areas around existing development.
  - B. The Board finds that the Project qualifies for a Class 3 Exemption, as it would construct one single-family residence, appurtenances, including a carport, workshop, barn and confined animal enclosure, and infrastructure including driveway, OWTS, fencing, and retaining walls. Class 3 Exemptions generally apply to projects considered small in nature, including the construction of a single-family residence, and allow for accessory uses, including garages, patio covers, water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
  - C. The Board finds that the Project qualifies for a Class 4 Exemption, which addresses the Project's fuel modification activities, as the Fuel Modification Plan depicts fuel modification activities in H3 Habitat, and such area is already subject to Zone C clearance activities by the surrounding existing development, as described in State CEQA Guidelines sections 15303.a and 15304.i. Class 4 Exemptions consist of minor public or private alterations in the condition of land, water and/or vegetation, which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Exemption includes grading on land of 10 percent or greater slope, which are involved with one single-family residence and accessory uses.
  - D. The Board finds that the Project would not be an exception to the exemptions, as discussed in State CEQA Guidelines section 15300.2.a.

The Permittee provided a Biological Report in November 2016. The Biological Report supplemented the previous Biological Assessment of July 2010 for the property. The Staff Biologist reviewed the Biological Assessment and Biological Report and agreed with the recommendations with revisions therein incorporated. The Staff Biologist further provided revisions to the proposed landscaping plans. Chiefly, the Staff Biologist requested that native species be substituted and proposed plantings and existing plantings are consistent with the fuel modification requirements for the subject property. The Biological Assessment and Biological Report found that the Project Site is H3 Habitat, as the Project Site is within the fuel modification zones for surrounding single-family residences, has been previously graded and developed, and contains a tennis court with fencing and debris from a demolished tennis court within the existing flat pad area. County Code Section 22.44.1810 describes H3 Habitat as areas where the native vegetation has been significantly disturbed or removed or have been substantially fragmented or isolated by existing development. It further describes that H3 Habitat includes fuel modification areas surrounding existing development.

- E. The Board finds that the Project would not be an exception to the exemptions, as discussed in State CEQA Guidelines section 15300.2.d. The Project does not damage views from the scenic highway and would not be subject to the exception to the exemptions, as discussed in CEQA Guidelines section 15300.2.d. The Project's renderings and story poles demonstrate that the proposed Project does not damage views from the scenic highway. The Project is to utilize colors and materials compatible with the surrounding landscape, including shades of green, brown, and gray. The Project is visible from a designated scenic route, Schueren Road, and is limited to a maximum height of 18 feet, pursuant to County Code Sections 22.44.1250, 22.44.1440, and 22.44.2040. Because the Project is limited to a maximum height of 18 feet and is on the existing downslope and flat pad areas of the Project Site below Schueren Road, it does not influence scenic resources. Furthermore, the Project Site does not contain any other officially designated scenic resources, such as public trails, public parks, trees, rock outcroppings, historic buildings, or other similar resources. Because the Project has incorporated the above-referenced design, height, and Project features, it will not result in damage to scenic resources and/or scenic highways. The Project will not result in a cumulative or significant effect, as it includes the construction of one single-family residence in H3 Habitat. The Project Site includes the remediation of landslide debris but is free from further landslide hazards and other geologic hazards following the removal and re-compaction of the remaining landslide debris. The Project Site is not a hazardous waste site and does not contain historic resources. Therefore, the Project would not be subject to the exception to the exemptions, as discussed in State CEQA Guidelines section 15300.2.d.



60. The Board 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, advertisement in the Malibu Times, and property posting. Additionally, the Project was noticed, and case materials were available on Regional Planning's website. On February 17, 2022, a total of 31 Notices of Public Hearing were mailed to all property owners of 31 parcels as identified on the County Office of the Assessor's record within a 1,000-foot radius from the Project Site, as well as 18 notices to those on the courtesy mailing list for The Malibu Zoned District.
61. The location of the documents and other materials constituting the record of proceedings upon which the Board'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 the Coastal Development Services Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

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

THEREFORE, THE BOARD OF SUPERVISORS:

1. Finds that the Project is exempt from CEQA, pursuant to State CEQA Guidelines section 15303 Class 3 Exemption and section 15304 Class 4 Exemption; and
2. Accepts the appeal of the Project; and
3. Approves Major Coastal Development Plan No. RPPL2017006101-(3), subject to the attached conditions, including the amended Condition 19 stating that the Project is required to record an open space deed restriction across all steep lands (land with slope over 50 percent) to preserve such areas in perpetuity as a condition of approval after the development occurs.

**CONDITIONS OF APPROVAL  
PROJECT NO 2016-002560-(3)  
MAJOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017006101-(3)**

1. This grant is for Major Coastal Development Permit ("Major CDP") RPPL2017006101-(3) to authorize the following: construction of a 2,957-square-foot, 18-foot-tall single-family residence; a two-vehicle carport with roof-mounted solar panels; a 950-square-foot workshop; a confined animal enclosure consisting of a 942-square-foot barn and 3,900-square-foot fenced animal enclosure; an on-site wastewater treatment system; a pool with pool deck; hardscaping and landscaping; and 6,492 cubic yards of total grading, of which 3,571 cubic yards are for existing slope remediation, 2,323 cubic yards for the finished slope, and 598 cubic yards for the construction of the residence and accessory structures ("Project"), subject to the following conditions of approval ("Condition" or "Conditions").
2. Unless otherwise apparent from the context, the term "Permittee" shall include the Permittee, owner of the property, and any other person, corporation, or other entity making use of this grant. This grant is issued in conjunction with the findings of approval by the Los Angeles County ("County") Board of Supervisors on the Project, and thus any term or provision herein that is vague or undefined shall be read in conjunction with said findings of approval to give proper meaning thereto in the context of the Project's authorization 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 Los Angeles County Code ("County Code") Sections 22.222.230.F and 22.240.060.F.
4. This grant shall not be effective for any purpose until the Permittee, and the owner of the property if other than the Permittee, have filed at the office of the 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, and that the Conditions of this grant have been recorded as required by Condition No. 5 and until all required monies have been paid, pursuant to Condition Nos. 7 and 12. Notwithstanding the foregoing, this Condition No. 4 and Condition No. 6 shall be effective immediately upon the date of final approval of this grant by the County.
5. Prior to the use of this grant, the Permittee, or the owner of the property if other than the Permittee, shall record the terms and Conditions of this grant with the County Registrar-Recorder/County Clerk. In addition, upon any transfer or lease of the subject property during the term of this grant, the Permittee, or the owner of the property if other than the Permittee, shall promptly provide a copy of this grant and its Conditions to the transferee or lessee of the subject property.

6. 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 Project Permit approval, which action is brought within the applicable time period of Government Code section 66499.37 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.
7. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs and expenses involved in Regional Planning's cooperation in the defense, including, but not limited to, County Counsel fees and expenses, and other assistance to the Permittee's counsel. The Permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - A. 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. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - B. At the sole discretion of the 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, pursuant to County Code Section 2.170.010.
8. By acceptance of this grant, the Permittee acknowledges and agrees: (1) that the Project site may be subject to hazards from wildland fire and erosion; (2) to assume the risks to the Permittee and subject property of injury and damage from such hazards in connection with this permitted development; and (3) to unconditionally waive any claim of damage or liability against the County, its officers, agents, and employees for injury or damage from such hazards.
9. This grant shall expire unless used within two years from the date of final approval. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void, and the privileges granted hereunder shall lapse.
11. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the Permittee proposes any modifications to the use at that time, the Permittee shall file a new CDP application with Regional Planning or shall otherwise comply with the applicable requirements at that time and shall be accompanied by the required fee. In the event that the Permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of the property may require additional or different permits and would be subject to the then-applicable regulations.
12. 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 subject 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 \$600. The deposit shall be placed in a performance fund that shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the subject property to determine the Permittee's compliance with these Conditions. The fund provides for three inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems.
13. If additional inspections are required to ensure compliance with the Conditions of this grant, or if any inspection discloses that the property is being used in violation of any one of the Conditions, 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 \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
14. 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 Regional Planning Hearing Officer ("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 22.242.040 of the County Code.

15. 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 ("Fire Department").
16. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
17. 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" to the Project, or a future Revised Exhibit "A" approved by the Director of Regional Planning ("Director").
18. 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 digital copy of a modified Exhibit "A" shall be submitted to Regional Planning by September 27, 2023. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit one 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" and be accompanied by the written authorization of the Permittee and/or property owner(s) and applicable fee for such revision.
19. In the event that steep lands (lands over 50 percent slope) located outside of the approved Project site area of the Project remain, the Permittee shall dedicate all areas of the parcel containing steep lands (lands over 50 percent slope), and all areas of land outside of Fuel Modification Zones A and B as a permanent Irrevocable Open Space Conservation Easement, held by the County on behalf of the People of the State of California. The Permittee shall provide evidence of the recordation of a valid dedication to the County (and acceptance by the County) or 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 for the purpose of habitat protection, the text of which has been approved by the Director. 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; and it shall be recorded free of prior liens, including tax liens, and encumbrances. The recorded document shall reflect that no development shall occur within the Irrevocable Open Space Conservation Easement, except as otherwise set forth in the Major CDP conditions, consistent with the exceptions detailed in this Section.

Recordation of said easement on the Project site shall be permanent. No development, as defined in County Code Section 22.44.630, grazing, or agricultural activities shall be allowed in the Irrevocable Open Space Easement, with the exception of 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 required brush clearance required by the Fire Department for existing development on adjoining properties;
  - B. Drainage and polluted water runoff control activities required and approved by County for permitted development; and
  - C. If approved by the County as an amendment to the Major 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.
20. Removal of natural vegetation, including vegetation thinning, for the purposes of fuel modification for the proposed structure(s), shall not commence until the County has issued a building or grading permit pursuant to this grant. Vegetation thinning shall not occur until commencement of construction of the structure(s) approved pursuant to this grant. Vegetation removal is prohibited, except where required for the construction of the approved development and associated fuel modification activities.
21. The Project is prohibited from using disking or other methods of vegetation clearance to bare earth within fuel modification areas, as detailed in County Code Section 22.44.1240.A.2.
22. Grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year, unless specifically permitted, pursuant to LIP Sections 22.44.1260.G and 22.44.1260.H.
23. Development is prohibited on slopes greater than 50 percent, except where noted on Exhibit "A."

24. The Permittee shall provide a Low Impact Development ("LID") Plan as part of the drainage concept, pursuant to County Code Section 12.84.460. The Permittee shall comply with LID requirements and provide calculations in accordance with the LID Standards Manual, as established by Public Works, which can be found at <http://dpw.lacounty.gov/idd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf>.
25. After completion of project-related grading activities and prior to construction, the Permittee shall submit a report prepared by a certified engineer to the Director, indicating that project-related grading conforms to the Project's approved grading plan.
26. In the event historic cultural, paleontological, 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 required to be taken to protect the discovered resources, including, but not limited to, recordation, excavation, evaluation, and processing of the finds. No further earthwork shall occur in the area of the discovery until the Director approves the methods to protect these resources.
27. Prior to any development on the Project site, the Permittee shall submit a native tree protection plan to ensure protection of the native trees on the subject property during and after development, for review and approval by the Director. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within, or adjacent to, the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction and/or grading activities. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zone of any on-site native trees.
28. The Permittee shall retain the services of a qualified independent biological consultant or arborist, approved by the Director to monitor native trees that are within or adjacent to the construction area. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.
29. Where vegetation removal and/or construction is proposed during the defined bird nesting season, nesting bird surveys shall be conducted on the Project site and protective measures and/or postponement of the Project shall be observed, in accordance with County Code Section 22.44.1920 A.1.

30. The Permittee shall comply with and remain in substantial conformance with the color palette and material specifications as outlined in County Code Section 22.44.1320 and as approved by this grant. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, deflection walls, and any other structures authorized by this grant. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones), including shades of green, brown, and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass. The approved structures shall be colored with only the colors and window materials authorized, pursuant to this special condition. Any substantial changes in the proposed structural appearance may require amendment(s) to the Major CDP(s) or new CDP(s).
31. The Permittee shall comply with the provisions for exterior lighting, as outlined in County Code Section 22.44.1270, including, but not limited, to low-intensity features, shielded, or concealed to the maximum extent feasible.
32. All windows and other panels of glass on the exterior of the Project shall be comprised of non-glare/non-reflective glass.
33. The Permittee shall comply with all conditions set forth in the attached National Parks Service letter dated March 4, 2019.
34. The Permittee shall comply with all conditions set forth in the attached Fire Department's letter dated July 15, 2019.
35. The County Department of Parks and Recreation set no conditions to the Project, as stated in its letter dated July 18, 2019.
36. Public Works set no conditions to the Project, as stated in its letter dated February 3, 2021.
37. The Permittee shall comply with all conditions set forth in the attached County Department of Public Health letter dated June 2, 2021.
38. Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Permittee as the lead biological monitor ("Project Biologist") subject to the approval of Regional Planning and the California Department of Fish and Wildlife ("Fish and Wildlife"). The Project Biologist 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 Project Biologist 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 Project Biologist 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 Regional Planning and Fish and Wildlife at their request. The name, address, email, and phone number of the Project Biologist shall be provided to Regional Planning prior to issuance of the grading permit.

39. The Permittee's contractor shall delineate the proposed grading limits of the Project 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 a global positioning system and provided to the Project Biologist.
40. After delineating the grading limits/proposed development area, the Permittee's contractor shall fence the area in its entirety with green screen before beginning any work. A gated entrance shall allow ingress and egress and shall remain open until after the Project Biologist conducts a pre-construction survey. The Project Biologist shall monitor fence installation and capture and relocation of wildlife as necessary and ensuring that no protected trees or sensitive species are impacted during fence installation. A pre-construction biological resources survey shall be conducted within the fenced area and within areas adjacent to the driveway within one day of vegetation clearance. The Project Biologist shall submit a pre-construction report to Regional Planning prior to grading or vegetation removal to document the installation of the development area delineation.
41. Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds, as defined by Fish and Wildlife (typically late February through August), if feasible. Beginning 30 days prior to the initiation of Project activities and regardless of time of year, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly bird surveys 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, the Project proponent should delay all Project activities until the Project Biologist determines the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. Alternatively, the Project Biologist could mark a buffer zone for the nest with flagging, stakes, and construction fencing to demarcate 300 feet for passerines (or 500 feet for raptors) between Project activities and the nest. If the Project Biologist determines that a narrower buffer between the Project activities and observed active nest(s) is warranted, the Project Biologist shall submit a written explanation (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between Project activities and the nest and foraging areas) to

Regional Planning and, upon request, Fish and Wildlife. Based on the submitted information, Regional Planning (and Fish and Wildlife, if requested by Fish and Wildlife) will determine whether to allow a narrower buffer. The Project Biologist shall use judgment but, in general, buffers should be determined so that construction activities result in noise less than 60 dBA at the nest. The Project Biologist shall communicate about the prohibition buffers with the foremen and work crews. Project personnel, including all contractors working on-site, should be instructed on the sensitivity of the area. The Project Biologist shall provide a report of the results of surveys and protective measures to Regional Planning and Fish and Wildlife, prior to grading or vegetation removal, to document compliance with applicable State and federal laws pertaining to the protection of native birds.

42. All animals occupying the confined animal enclosure shall be secured, pursuant to the most current recommendations or guidance from Fish and Wildlife, in order to prevent mountain lion attacks on such animals. Securement of said animals shall include, but is not limited to: bringing animals inside the barn and closing doors and windows at times when mountain lions are most active, such as at dawn, dusk, and at night; securing animals inside a barn or other similar secure structure at any such time that the Project site is not managed by the occupant or their designated caretaker who is able to oversee the containment of the animals; and ensuring proper storage of animal feed to avoid attracting potential mountain lion prey to the Project site.

Attachments:

National Parks Service letter dated March 4, 2019

Los Angeles County Fire Department letter dated July 15, 2019

Los Angeles County Department of Parks and Recreation letter dated July 18, 2019

Los Angeles County Department of Public Works letter dated February 3, 2021

Los Angeles County Department of Public Health letter dated June 2, 2021



# United States Department of the Interior

## NATIONAL PARK SERVICE

Santa Monica Mountains National Recreation Area  
401 West Hillcrest Drive  
Thousand Oaks, California 91360-4207

In reply refer to:  
L76 (SAMO) 138-08, 138-38

March 4, 2019

Winnie Lam  
2430 Carman Crest Dr.  
Los Angeles, CA 90068

Dear Ms. Lam:

I understand you would like clarification on the National Park Service's (NPS) policy regarding fuel modification on federal parkland within Santa Monica Mountains National Recreation Area. The NPS identifier for your property of interest is Tract No. 138-38, located at 570 Schueren Road. The property is across the street from NPS-owned Tract No. 138-08 to the east of the Saddle Peak area. Your parcel is referenced as Los Angeles County Assessor Parcel Number (APN) 4453-026-007. The adjacent NPS property is APN 4453-024-903. Los Angeles County requires a 200-foot fuel reduction zone.

Per our office's previous consultation with the United States Department of the Interior Solicitor's Office, public laws established to govern the administration of the national park system (16 USC Sec. 1-4a) and the Santa Monica Mountains National Recreation Area (16 USC Sec. 460kk) and other applicable NPS policies do not allow for removing native vegetation and wildlife habitat from federal parkland for the purpose of accommodating adjacent private property development.

Thank you for checking in with National Park Service about this matter. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805)370-2346.

Sincerely,

David Szymanski  
Superintendent



**COUNTY OF LOS ANGELES FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

Land Development Unit  
5823 Rickenbacker Road  
Commerce, CA 90040  
Telephone (323) 890-4243, Fax (323) 890-9783

CASE NUMBER: RPPL2017006101  
PROJECT NUMBER: 2016-002560

MAP DATE: July 15, 2019  
PLANNER: Shanna Judkins-Farley

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**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO  
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE  
FOLLOWING CONDITIONS OF APPROVAL.**

1. Submit plans to Fire Department Engineering section for review and approval.

Additional comments pending the information returned by the applicant for Fire Department plan check; presently all outstanding comments have been addressed via plan check.

**For any questions regarding the report, please contact Joseph Youman at (323) 890-4243 or [Joseph.Youman@fire.lacounty.gov](mailto:Joseph.Youman@fire.lacounty.gov).**



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

John Wicker, Director

Norma E. Garcia, Chief Deputy Director

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July 18, 2019

TO: Shanna Farley-Judkins  
Department of Regional Planning

FROM: Jui Ing Chien *JIC*  
Planning and CEQA Section

SUBJECT: **RPPL2017006101**  
**PROJECT NO. R2016-002560**  
**APN: 4453-026-007**

The proposed project has been reviewed for potential impacts on the facilities of the Department of Parks and Recreation (DPR). The project involves the construction of one single-family residence. The project will not impact any DPR facilities and we have no comments.

Thank you for including this Department in the review of this document. If you have any questions, please contact me at [jchien@parks.lacounty.gov](mailto:jchien@parks.lacounty.gov) or (626) 588-5317.



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>


ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

February 3, 2021

IN REPLY PLEASE  
REFER TO FILE: **LD-4**

TO: Rob Glaser  
Coastal Permits Section  
Department of Regional Planning

Attention Martin Gies

FROM: Art Vander Vis   
Land Development Division  
Department of Public Works

**MINOR COASTAL DEVELOPMENT PERMIT (RPPL2017006101)  
570 SCHUEREN ROAD  
ASSESSOR'S MAP BOOK 4453, PAGE 26, PARCEL 7  
COUNTY UNINCORPORATED COMMUNITY OF MALIBU**

Thank you for the opportunity to review the Coastal Development Permit (CDP) associated with the proposed project. The project proposes the construction of a 2,800-square-foot, single-family residence with a pool.

- Public Works has no conditions to be applied to the project if ultimately approved by the advisory agency.
- Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the comments have been addressed.

If you have any questions or require additional information, please contact Toan Duong of Public Works, Land Development Division, at (626) 458-4921 or [tduong@pw.lacounty.gov](mailto:tduong@pw.lacounty.gov).

JD:la

P:\dpub\SUBPCHCK\Plan Checking Files\Single Lots\570 SCHUEREN ROAD\RPPL2017006101\Submittal 2020-12-22\DPW\_Cleared\_2021-01-06\_RPPL2017006101.docx



**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH  
5050 COMMERCE DRIVE BALDWIN PARK, CA 91706 (626) 430-5380**

**June 2, 2021**

**CASE: RPPL2017006101  
PROJECT: Permits & Reviews  
PLANNER: Farley-Judkins, Shanna  
LOCATION: 570 Schueren Rd, Malibu Ca 90265**

The Department of Public Health-Environmental Health Division has reviewed the above project to construct a single-family home with a pool using a municipal water supply and an onsite wastewater treatment system (OWTS) at the above location. The applicant provided a May 10, 2021 Financial Arrangements for Water letter from the Las Virgenes Municipal Water District indicating that financial arrangements for water service is completed. The applicant received an approval for the OWTS design on March 9, 2021 for the Pre-Coastal Commission.

***Public Health recommends approval of the project for Pre-Coastal Commission hearing with the condition below that is required prior to building permit issuance.***

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1. Once a Coastal approval is granted and the project moves toward the building permit phase, the project will then submit onsite waste treatment system "***POST COASTAL COMMISSION...***" application for Departmental review prior to building permit issuance.

Please contact Shayne LaMont, Land Use Program, for any questions regarding this report: [slamont@ph.lacounty.gov](mailto:slamont@ph.lacounty.gov).