

October 1, 2024

Matt Jewett
4859 W. Slauson Ave., #753
Los Angeles, CA 90056

PROJECT NO. 2018-001052-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2018003788
2909 SEQUIT DRIVE, MALIBU (APN 4457-023-003)

Dear Applicant:

The Hearing Officer, by her action of **October 1, 2024**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on **October 15, 2024**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

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

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

Matt Jewett
October 1, 2024
Page 2

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

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:TM

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

c: DPW (Building and Safety)
Zoning Enforcement

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2018-001052-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2018003788**

RECITALS

1. **HEARING DATES.** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing on October 1, 2024, in the matter of Project No. 2018-001052-(3), Minor Coastal Development Permit (“Minor CDP”) No. RPPL2018003788.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on October 1, 2024. County Department of Regional Planning (“LA County Planning”) Staff (“Staff”) gave a brief presentation recommending approval of the Minor CDP. The applicant was sworn in and testified in favor of the Minor CDP. There were no other speakers. The Hearing Officer, Tina Fung, subsequently closed the public hearing and approved the Minor CDP.
3. **ENTITLEMENTS REQUESTED.** The permittee, Matt Jewett (“Permittee”), request the Minor CDP to authorize the construction of a 4,765-square-foot single-family residence, an attached 473-square-foot garage, an attached 425-square-foot carport, an onsite wastewater treatment system (“OWTS”), a swimming pool, hardscaping, landscaping, and 2,607 cubic yards of grading (“Project”) in the R-C-40 (Rural Coastal – 40 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.44.1750. The Project proposes remapping of approximately 0.54 acres of H3 Habitat to H2 Habitat, 0.16 acres of H1 Habitat to H3 Habitat, and 0.15 acres of H3 Habitat to H1 Habitat.
4. **LOCATION.** The Project is located on a 4.5-acre parcel with an unpermitted garage structure located at 2909 Sequit Drive in the unincorporated Santa Monica Mountains Coastal Zone, also known as Assessor’s Parcel Number 4457-023-003 (“Project Site”).
5. **ENTITLEMENTS REQUIRED.** The Minor CDP is a request to construct a new single-family residence and improvements, including a new OWTS, in the R-C-40 Zone pursuant to County Code Section 22.44.810. Per the requirements of the Santa Monica Mountains Local Implementation Program (“LIP”), an Administrative CDP is required for a single-family residence and/or installation of a new OWTS in the R-C-40 Zone (County Code Section 22.44.1750) and a Minor CDP is required for any project that results in grading of more than 50 and less than 5,000 cubic yards of earth (County Code Section 22.44.1260). A Minor CDP is required because the Project proposes a new OWTS and 2,607 cubic yards of grading (1,109 cubic yards of cut, 406 cubic yard of fill, 1,092 cubic yards over-excavation and re-compaction, and 263 cubic yards of

export). Because a Minor CDP requires a higher level of review than an Administrative CDP, the Project must be reviewed with a Minor CDP (County Code Section 22.44.860.C).

6. **LAND USE DESIGNATION.** The Project Site is located within the RL40 (Rural Land 40 - Maximum density of one dwelling unit per 40 gross acres) land use designation of the Santa Monica Mountains Local Coastal Program (“LCP”) Land Use Plan (“LUP”) Land Use Policy Map.
7. **ZONING.** The Project Site is located within The Malibu Zoned District and is currently zoned R-C-40. Pursuant to County Code Section 22.44.1750, a single-family residence and its accessory structures are the principal permitted use within the R-C Zone.
8. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The 4.5-acre Project Site is irregularly shaped and consists mostly of steep terrain with grades exceeding 50 percent, sloping downward from north to south. The Project Site is visible from Solstice Canyon, which is part of the Santa Monica Mountains National Recreation Area, immediately to the south. Vegetation on the Project Site generally consists of grasses and chaparral scrub with an area of rock outcrops on the east-central portion. An existing 23-foot-wide gravel driveway traverses the Project Site from west to east, eventually intersecting with Sequit Drive approximately 335 feet to the east of the Project Site. A graded pad of approximately 0.20 acres is located on the northwestern portion of the Project Site. An unpermitted metal structure with approximately 1,500 square feet is currently located on the graded pad. This structure was previously used for vehicular storage by a volunteer fire company and would be demolished as part of the Project.

Per the remapping of biological resources recommended by the Environmental Review Board (“ERB”), the Project Site consists of approximately 3.66 acres of H3 Habitat consisting of disturbed chaparral scrub, 0.54 acres of H2 Habitat consisting of illegally disturbed chaparral scrub, and 0.21 acres of H1 Habitat on the east-central portion of the Project Site, which consists mostly of rock outcrops. The illegal disturbance occurred due to fuel modification around the unpermitted structure.

B. Site Access

As noted above, an existing, legally established, 23-foot-wide private driveway connects to Sequit Drive, a 30-foot-wide public street, approximately 335 feet to the east of the Project Site. The existing driveway was approved by the California Coastal Commission in 1979 as part of the access to the single-family immediately to the west (CDP No. SF-79-5332). As part of the Project, approximately 115 linear feet of the existing driveway immediately adjacent to the proposed residence would be regraded and paved, while the remaining length (220 feet) would be improved with pavement only.

C. Site Plan

The site plan depicts a new 4,765-square-foot, 17-foot-and-10-inch-tall single-family residence on the northwestern portion of the Project Site, as well as an attached 473-square-foot garage and an attached 425-square-foot carport. These structures would be accessed by an existing 23-foot-wide, 335-foot-long private driveway and onsite County Fire Department (“Fire Department”) turnaround connecting with Sequit Drive to the east. As noted above, approximately 115 linear feet of the existing driveway immediately adjacent to the proposed residence would be regraded and paved, while the remaining length (220 feet) would be improved with pavement only.

A patio and swimming pool would be located on the southern side of the residence. A new OWTS would be comprised of a tank and seepage pit to the immediate north of the residence. The site plan depicts proposed fencing enclosing the swimming pool and patio only. The site plan also depicts the use of materials, including concrete, wood, steel, wood cladding, and stone cladding. No specific exterior colors are proposed.

The Project would include 2,607 cubic yards of total grading, consisting of 1,109 cubic yards of cut, 406 cubic yards of fill, 1,092 cubic yards over-excavation and re-compaction, and 703 cubic yards to be exported. Per the remapping recommended by the ERB, all direct development would occur within H3 Habitat, although approximately 0.34 acres of on-site fuel modification would occur within H2 Habitat.

9. PUBLIC COMMENTS. LA County Planning Staff has not received any public comments regarding the Project.

10. COUNTY DEPARTMENT RECOMMENDATIONS.

- A. The County Department of Parks and Recreation (“DPR”), in a letter dated August 16, 2018, stated that the Project will not impact any DPR facilities and they have no comments.
- B. The County Department of Public Works (“DPW”), in a letter dated September 13, 2018, recommended clearance to public hearing with no conditions.
- C. The Fire Department, in a letter dated July 28, 2020, recommended clearance to public hearing with no conditions.
- D. The County Department of Public Health (“Public Health”), in a letter dated April 8, 2022, recommended clearance to public hearing with no conditions.

11. CEQA DETERMINATION.

This Project qualifies for a Categorical Exemption (Class 3 – New Construction or Conversion of Small Structures and Class 4 – Minor Alterations to Land) pursuant to

the California Environmental Quality Act (“CEQA”) and the County Environmental Document Reporting Procedures and Guidelines.

Pursuant to Section 15303 of the State CEQA Guidelines, the Class 3 Categorical Exemption includes a single-family residence, accessory structures, and associated infrastructure. The Project qualifies for a Class 3 Categorical Exemption because the Project includes a proposal to construct a new single-family residence and associated infrastructure.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Categorical Exemption includes grading on land with a slope of 10 percent or less that is involved with one single-family residence and accessory uses. The Project qualifies for a Class 4 Categorical Exemption because the Project includes 2,607 cubic yards of grading, hardscaping, and fuel management activities associated with a new single-family residence.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 3 and Class 4 Categorical Exemptions mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances. However, the proposed Project is not subject to an exception to the CEQA exemptions because the biological inventory and environmental assessment of the area of project disturbance did not indicate the presence of sensitive biological resources that would be impacted by implementation and operation of the Project, as described in detail below.

The Applicant completed a biological assessment that was reviewed by the LA County Planning Staff Biologist (“Staff Biologist”) and the ERB. The Staff Biologist conducted a site visit, agreed with the contents of the biological assessment, and confirmed that the biological resource remapping of the majority of H2 Habitat on the Project Site to H3 Habitat was appropriate. 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. More precise mapping and observation of on-site habitat was provided in the Applicant’s biological assessment document and confirmed by a Staff Biologist and the ERB. The Project location and areas of fuel modification were designed to avoid observed occurrences of sensitive species. While some sensitive communities were mapped on the Project Site, all of them are within the mapped H1 Habitat that is not proposed for new development or fuel modification.

The Project, due to its maximum height of 17 feet and 10 inches above grade, is not expected to impact scenic resources such as parklands, trails, or designated scenic routes. Other exceptions involving cumulative impacts, hazardous waste sites, and historic resources also would not apply. Therefore, the Project is categorically exempt from CEQA.

GENERAL PLAN CONSISTENCY FINDINGS

12. **LAND USE POLICY.** The Hearing Officer 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 RL40 land use designation is single-family residences on sparsely developed lands with limited access. The Project is the construction of a new single-family residence with accessory structures on a large lot. Development would be clustered near existing single-family residences and an existing access driveway.
13. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following policies of the LUP:

Conservation and Open Space Element

Policy CO-108:

Site and design new development to minimize the amount of grading and the alteration of natural landforms.

Policy CO-109:

Site and design new development to protect natural features and minimize removal of natural vegetation.

The Project would utilize a level portion of the Project Site immediately adjacent to the existing paved access driveway, which will avoid the need to disturb natural vegetation or grade large amounts of earth to construct a driveway and other improvements on the northern or southern portions of the Project Site. The direct development is confined to H3 Habitat, and the on-site fuel modification plan avoids H1 Habitat per the recommended ERB remapping of biological resources. While approximately 0.34 acres of H2 Habitat to the north and south of the single-family residence would be affected by fuel modification, the entirety of the Project Site is less than 200 feet from this H2 Habitat. Therefore, this development is unavoidable and would be mitigated through on-site restoration and/or payment of an in-lieu fee.

Land Use Element

Policy LU-33:

Require that new development be compatible with the rural character of the area and the surrounding natural environment.

Policy LU-38:

Limit structure heights to ensure protection of scenic resources and compatibility with surrounding settings.

The Project Site is visible from the Santa Monica Mountains National Recreation Area to the south and is therefore located in a Scenic Resource Area (“SRA”). The maximum height for a structure within an SRA in the Santa Monica Mountains Coastal Zone is 18 feet above grade, while the maximum height of the proposed structures is 17 feet and 10 inches. The design is appropriate for the Project Site, as it minimizes the viewshed disturbance and is smaller and shorter than several two-story single-family homes to the north, east, and west. The Project would also comply with the LIP limitations on building site area because the 9,940-square-foot building site area is less than the maximum of 10,000 square feet.

ZONING CODE CONSISTENCY FINDINGS

14. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the R-C-40 zoning classification because a single-family residence is the principal permitted use in the zone and the Project Site can accommodate accessory structures and uses accessory to the principal permitted use. An Administrative CDP is required for a single-family residence and/or the installation of a new OWTS in the R-C-40 Zone (County Code Section 22.44.1750) and a Minor CDP is required for any project that results in grading between 50 cubic yards and 5,000 cubic yards of earth (County Code Section 22.44.1260). A Minor CDP is required because the Project proposes a new OWTS and 2,607 cubic yards of total grading (1,109 cubic yards of cut, 406 cubic yards of fill, 1,092 cubic yards of over-excavation and re-compaction, and 703 cubic yards of export). Because a Minor CDP requires a higher level of review than an Administrative CDP, the Project must be reviewed with a Minor CDP (County Code Section 22.44.860.C).
15. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1750 E, 22.44.1710, and 22.44.1375 H. The Project’s setbacks exceed the required 20-foot front yard, five-foot side yard, and 15-foot rear yard setbacks. Because the Project is consistent with the required yards, the Hearing Officer finds that the Project is consistent with the Yards and Development Standards of the LIP.
16. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1250. The maximum height for a structure within an SRA in the Santa Monica Mountains Coastal Zone is 18 feet above grade, while the maximum height of the proposed structures is 17 feet and 10 inches above grade.
17. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1410. Because the Project Site is greater than one acre in size and is not within a Rural Village, no covered parking spaces are required, although an attached two-car garage and an attached two-car carport would be constructed as part of the Project.
18. **EXTERIOR LIGHTING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1270. The Project is proposing

minimal outdoor lighting that would be appropriately shielded per LIP standards. The Project is appropriately conditioned to require that all exterior lighting remains consistent with County Code Section 22.44.1270.

- 19. VEGETATION MANAGEMENT AND LANDSCAPING** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1240. The Project includes a preliminary fuel modification plan, which was approved by the Fire Department on October 17, 2023. While mapped H1 Habitat is less than 200 feet from the proposed residence, it consists of rock outcrops and would not be subject to fuel modification. The Project includes conditions of approval to implement the success criteria outlined in the LIP and to prohibit the use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains. Through the design of the Project's fuel modification plan, site layout, and as conditioned, the Project complies with the Vegetation Management and Landscaping Standards of the LIP.
- 20. GRADING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1260. The purpose of these regulations is to ensure that new development minimizes the visual and environmental resource impacts of grading and landform alteration. The Project would include 2,607 cubic yards of total grading, consisting of 1,109 cubic yards of cut, 406 cubic yards of fill, 1,092 cubic yards of over-excavation and re-compaction, and 703 cubic yards of export. The Project will require grading permits from DPW for the construction process as well as a Stormwater Pollution Prevention Plan to prevent soil erosion on the Project Site. The Project has been conditioned to prohibit commencement of grading during the rainy season (October 15 through April 15) to reduce runoff issues during earth movement.
- 21. FENCES, GATES, AND WALLS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1310 (Fences, Gates, and Walls), which addresses height, location, and type of materials of fences in the Santa Monica Mountains Coastal Zone. The LIP limits where fences may be located, their heights, and whether they are wildlife permeable or not wildlife permeable. Generally, the LIP prohibits fencing that is not wildlife permeable in most circumstances, except that fencing that is not wildlife permeable may extend to the outer extent of Fuel Modification Zone "A" and must be solely for safety purposes. The only proposed fencing is within Fuel Modification Zone "A" and is mandated for swimming pool safety requirements. Therefore, the Hearing Officer finds that the Project is consistent with County Code Section 22.44.1310.
- 22. CONSTRUCTION COLORS, MATERIALS, AND DESIGN.** The Hearing Officer 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 the scenic qualities of the area, protect wildlife, reduce risks, ensure compatibility with existing patterns of development, etc. The Project was designed and is conditioned to achieve the requirements of this section through various design features, including use of natural colors and materials on the exterior of the residence

and structures, use of non-reflective glass, and use of natural materials throughout most of the landscape area.

- 23. WATER RESOURCES.** The Hearing Officer 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. All proposed development must 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 apply. The Project includes no stream crossings, alterations, or drainage changes other than the concrete drainage channels already present in the landscaped area. The Project includes a new OWTS located to the west and south of the residence. The OWTS has been reviewed by Public Health and they cleared the Project, including the OWTS, for hearing. The OWTS system proposed for the Project complies with County Code Section 22.44.1340 B.3, including maintaining a minimum distance of 150 feet from all streams and 50 feet from oak trees. The Project includes Low Impact Development methods to address onsite runoff generated by new impervious surfaces, including collection of stormwater runoff into an underground cistern at the end of the driveway. The Project has been conditioned to require compliance with the erosion control measures identified in the LIP during and after construction, which are provided in County Code Section 22.44.1340 H.
- 24. VISUAL RESOURCE PROTECTION.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1440 and 22.44.1990, which are intended to protect the Santa Monica Mountains Coastal Zone's scenic resources. The Project Site is visible from the Santa Monica Mountains National Recreation Area to the south. Per County Code Section 22.44.1440, the Project Site is within an SRA and is subject to the scenic resource protections standards. These standards include a maximum height of 18 feet above grade. The Permittee installed story poles on the Project Site on August 21, 2024, demonstrating the location, size, and scale of the Project to further verify that the Project would not impact scenic resources. The Project's site plan, elevations, and story poles document that the structures have a maximum height of 17 feet and 10 inches or less and are located on an existing level area adjacent to a driveway, meeting the development standards for scenic resource areas identified in County Code Section 22.44.1440.
- 25. LOW IMPACT DEVELOPMENT AND HYDROMODIFICATION.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1510, which requires projects to implement methods to reduce stormwater runoff and erosion impacts created by new development. The Project is required to conserve natural areas, protect slopes and channels, provide storm drain system stenciling and signage, and divert roof runoff to collection points or for percolation before discharge.
- 26. BUILDING SITE AREA.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910 I, which refers to the

maximum allowable building site area. The total building site area of 9,940 square feet is within the maximum building site area of 10,000 square feet.

27. BIOLOGICAL RESOURCES. The Hearing Officer finds that the Project is consistent with the biological resource requirements of County Code Section 22.44.1800. et. seq. The Permittee's biological assessment was reviewed by the Staff Biologist and the ERB, which found the Project, with modifications, to be consistent with local biological resources. These modifications include a best management practices plan, runoff control measures, retaining a biological monitor, screening the site and staking the grading limits, and preparing surveys and restoration plans for nesting birds. At its meeting on February 28, 2022, the ERB found that the Project, as modified, would not have an impact on biological resources. The ERB's recommended revisions to the LCP mapping would result in an increase in H1 and H2 habitats on the Project Site. All of the ERB's recommended modifications have been included within the Project's conditions of approval.

28. HABITAT CATEGORIES. The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. The building site area is completely within H3 Habitat. However, approximately 0.34 acres of on-site fuel modification would occur within H2 Habitat to the north and south of the single-family residence. Development within H2 Habitat is permitted when it is the most appropriate location and no feasible site within H3 Habitat is available. The H2 Habitat that will be affected does not contain habitats or species of critical or special status, as confirmed by the biological assessment prepared for the Project. Because the entirety of the Project Site is less than 200 feet from H2 Habitat, this development is unavoidable and would be mitigated through on-site restoration and/or payment of an in-lieu fee. No development is proposed within H1 Habitat.

The Project would result in 0.34 acres of on-site fuel modification within H2 Habitat. A condition of Project approval requires the impact to be mitigated through the County's Resource Conservation Program, or, alternatively, by the Permittee's payment of an in-lieu fee or proposal of a mitigation plan to be approved by the Director of Regional Planning at a later date, but before grading and construction can occur.

29. HAZARDS AREA. The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.2050, which is established to protect public health and safety by reducing and mitigating hazards associated with fire, geologic and soil conditions, earthquakes, and flooding that could affect development proposals in the Santa Monica Mountains Coastal Zone. The Project is located within a Very High Fire Hazard Severity Zone and is required to provide fuel modification and site access improvements to reduce the risk of loss, injury, or death involving fires. The Project has obtained an approved fuel modification plan from the Fire Department. The Project is consistent with County Code Section 22.44.2050 and 22.44.2100 through approval of the final fuel modification plan, access improvements, including an on-site Fire Department turnaround, and ongoing maintenance pursuant to the final fuel modification plan.

The Project is not located within an Earthquake Fault Zone and is not underlain by active fault traces, nor is it within a known area of soil liquefaction or a potential landslide area. The Project was also reviewed by DPW, which cleared the Project for public hearing.

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

COASTAL DEVELOPMENT FINDINGS

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

ENVIRONMENTAL FINDINGS

33. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15303 (Class 3, Construction or Conversion of Small Structures Categorical Exemption) and section 15304 (Class 4, Minor Alterations to Land Categorical Exemption). The Class 3 Categorical Exemption specifically pertains to a single-family residence and its appurtenant structures, while the Class 4 Categorical Exemption specifically pertains to the proposed fuel modification and grading.

ADMINISTRATIVE FINDINGS

34. **LEGAL NOTIFICATION.** The Hearing Officer finds that pursuant to County Code Sections 22.44.840 and 22.44.990, the community was properly notified of the public hearing by mail, newspaper (Malibu Times), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On August 7, 2024, a total of 117 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 22 notices to those on the courtesy mailing list for The Malibu Zoned District.

35. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

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

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15303 (Class 3, Construction or Conversion of Small Structures categorical exemption) and 15304 (Class 4, Minor Alterations to Land); and
- 2. Approves **MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2018003788** subject to the attached conditions.

ACTION DATE: October 1, 2024

MG:RG:TM

10/01/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2018-001052-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2018003788**

PROJECT DESCRIPTION

The project is a new 4,765-square-foot single-family residence, an attached 473-square-foot garage, and an attached 425-square-foot carport, all with a maximum structural height of 17 feet and 10 inches, an on-site wastewater treatment system, a swimming pool, hardscaping and landscaping, and 2,607 cubic yards of grading (“Project”), subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to County Code Section 22.44.1090.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but

not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$441.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **one inspection three years after the date of final approval.**

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

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to County Code Section 22.44.1140.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department ("Fire Department").
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **one (1) digital copy** of a modified Exhibit "A" shall be submitted to LA County Planning by **December 2, 2024**.
15. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **one (1) digital copy** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE-SPECIFIC CONDITIONS

16. The building site area, as defined in County Code Section 22.44.630, shall be limited to 9,940 square feet.
17. The exterior colors of all structures shall be earth-toned and shall not include bright or white tones. No glossy or reflective materials shall be permitted for exterior construction, other than glass, which shall be the least reflective variety available.

18. The permittee shall comply with the provisions for exterior lighting in County Code Section 22.44.1270.
19. All windows and other panels of glass on the exterior of the Project shall be comprised of non-glare/non-reflective glass.
20. Equipment for grading, construction, and fuel modification shall be pressure-washed before transport to the Project Site to remove dirt and any invasive plant propagules. Contractors for grading and construction shall be informed of a policy to pressure-wash equipment before transport to the Project Site to remove any encrusted soil and/or plant propagules from the undercarriage, chassis, wheel wells, or other parts, and shall be informed that the biological monitor required by Condition 33, below, will be checking equipment for compliance with this policy at the entry to the Project Site. The biological monitor shall have the authority to check entering construction equipment and send out for washing any equipment with encrusted dirt and/or plant propagules in the undercarriage, chassis, wheel wells or other parts. The biological monitor shall report on the procedures to check equipment washing, and the results, in the initial Project reports to LA County Planning.

Contractors for grading and construction shall also be informed of the requirement to supply drip pans that shall be placed under all construction vehicles when parked on the Project Site. The biological monitor shall report on whether the contractor has supplied drip pans to be placed under stationary equipment and other parked vehicles in the initial Project reports to LA County Planning. The biological monitor shall report on these procedures and results in the initial Project reports to LA County Planning.

21. A Construction Runoff Plan shall be prepared that depicts the locations of any sediment and debris traps, any straw wattles, sandbags, or silt fence that will be used to direct flows to the traps, and flow directions. The permittee's contractor shall inspect the traps and other containment devices to ensure proper function. The plan shall be implemented during the rainy season or prior to rain events.
22. The permittee's contractor shall comply with all litter and pollution laws and shall provide covered trash receptacles so that all food scraps, food wrappers, beverage containers, etc. can be disposed of. The contractor shall empty the trash receptacles at the end of each day or as needed and dispose of the trash at an off-site landfill.
23. The permittee's contractor shall ensure that no debris, bark, slash sawdust, rubbish, cement or concrete or washing thereof, oil petroleum products, or other organic material from any construction, or associated activity of whatever nature, shall be allowed to enter into any nearby stream, or be placed where it may be washed by rainfall or runoff into any nearby stream.
24. The permittee's contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.
25. The permittee's contractor shall position all stationary equipment and any equipment that is to be repaired over the drip pans or other appropriate containment devices.

26. The permittee's contractor shall check and maintain all equipment on a daily basis in order to prevent leaks. If a leak occurs, the permittee's contractor shall immediately clean up any spills and fix the leak.
27. The permittee's contractor shall make available at the Project Site all supplies necessary for clean-up of spills (absorbent and barrier materials in quantities determined by the permittee's contractor to be sufficient to capture the largest reasonably foreseeable spill and drums or containers suitable for holding and transporting contaminated materials).
28. All storage of accessory uses and movable items (e.g., a recreational vehicle, a picnic table, or garden equipment) shall not encroach into native tree protection zones ("TPZs"). No structures shall impact Tree Protected Zones (TPZs) except by specific permit. TPZs shall have no storage, no dumping, or irrigation, except for irrigation during exceptional drought.
29. Prior to issuance of building or grading permits, seasonally timed special status and sensitive plant survey(s) shall be conducted by a qualified botanist to document the locations(s) and number(s) of any special status plants that may occur within the Project Site. The survey(s) shall be conducted not more than one year prior to the initiation of construction and shall coincide with the appropriate blooming periods for each special status plant species with potential to occur. A summary of findings shall be submitted to LA County Planning (and to other pertinent resource agencies, if necessary) prior to the onset of construction activities.

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

- a. All special status plants that can be feasibly avoided shall be protected from harm during the construction phase and initial fuel modification.
 - b. If any special status plants cannot be feasibly avoided, a mitigation plan shall be developed that contains the following information: the number of specimens affected; identification of on-site preservation location(s); method for restoration, enhancement, and/or transplanting; a performance standard replacement ratio of 1:1 per impacted Rare Plant Rank ("RPR") 4 specimen and 2:1 per impacted RPR 1, 2, or 3 specimen, to be achieved within three years; and adaptive management and remedial measures in the event that the performance standard is not achieved. If on-site mitigation is not feasible, off-site mitigation may be allowed at a replacement ratio of 2:1 per impacted RPR 4 specimen and 4:1 per impacted RPR 1, 2, or 3 specimen.
30. During fuel modification, the permittee shall retain as many non-sprouting species as possible. Such species usually have a single trunk, which shall not be cut off in pruning, as this results in the death of the plant. The permittee shall utilize multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked shrubs shall be pruned in a staggered, clumped pattern on an alternating schedule, allowing two to three years between pruning for any one clump. Re-sprouting species can be pruned to near ground level. Locally indigenous plants

thinned for fuel modification shall be chipped up and used as native plant mulch. Disking and indiscriminate clearing is prohibited in any fuel modification zone. During the removal of fuel ladders from trees, lower branches shall be pruned up to one-third of tree height for trees less than 18 feet tall, or up to six feet maximum for trees 18 feet and taller.

31. In the event cultural and/or archeological resources are encountered during construction of the Project, all ground-disturbing activities within the vicinity of the find shall cease and a qualified archeologist and Native American Monitor shall be notified. The archeologist, in consultation with the Native American Monitor, shall make recommendations to the Director, for review and approval, on the steps taken to protect the discovered resources, including but not limited to recordation and excavation of the finds and evaluation and processing of the finds. No further earthwork shall occur in the area of discovery until the Director approves the methods to protect these resources.
32. Development is prohibited on slopes greater than 50%.
33. Prior to the issuance of a grading permit, a qualified biologist shall be retained by the applicant as the lead biological monitor subject to the approval of the Director. That person shall ensure that impacts to all biological resources are minimized or avoided and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to LA County Planning and the California Department of Fish and Wildlife ("CDFW") at their request.
34. The permittee shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. The contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the biological monitor.
35. Prior to the issuance of a grading permit, the permittee shall install temporary chain-link fencing at least four feet high, supported by steel stakes driven into the ground, along the eastern property line between the north end of the proposed garage and the south end of the proposed house. This fencing shall serve to protect the off-site coast live oak to the east of the Project Site and shall be removed prior to the issuance of a certificate of occupancy. The mapped oak woodland/chaparral habitat on the northwestern portion of the Project Site shall be fenced during the same time frame, except that the use of orange plastic temporary fencing shall be utilized.

36. Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds as defined by the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:
- a. If initial grubbing, grading, and construction activities are scheduled to occur outside CDFW's defined nesting season (generally February 1 - August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within seven days prior to, and again within three days prior to, the date that activities are scheduled to begin. The biologist shall focus efforts within the grading area, development area, the fuel modification zones, the driveway area, and areas within 50 feet of them. The biologist shall also survey 300 feet beyond these areas, as access allows.
 - b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys, beginning 30 days prior to the initiation of Project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of Project activities. If a protected native bird is found in suitable nesting habitat, all Project activities within 300 feet of on-site and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent to these areas, they shall establish appropriate buffer zones, as defined in "c" below.
 - c. If an active nest is found, regardless of time of year, Project activities within 300 feet of the nest, or within 500 feet of raptor nests, or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.
 - d. The qualified biologist shall provide the Director with a brief report summarizing the results of the surveys, as well as a description and assessment of the implemented protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds.
 - e. If the qualified biologist determines that a narrower buffer between the Project activities and observed active nests is warranted, they shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the Project activities and the nest and foraging areas) to LA County

Planning and CDFW. Based on the submitted information, the Director (in consultation with CDFW) will determine whether to allow a narrower buffer. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist shall monitor the nest before, during, and after the activities, to determine if it is being affected.

- i. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and shall have the authority to stop any activities that exceed 60 dBA if they determine that it is affecting, or has the potential to affect, the outcome of a nest.
 - ii. The biologist shall send weekly monitoring reports to LA County Planning and, upon request, to CDFW, documenting the status of monitored nests, and shall notify LA County Planning immediately if Project activities damage active avian nests.
37. Temporary wildlife fencing shall be utilized to reduce the potential for wildlife being harmed by or moving into the work site. The permittee's contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
 - a. To install the screen, laborers shall remove a five-foot strip of vegetation at the limits of the grading/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
 - b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.
 - c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.
 - d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.
 - e. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
 - f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the biological monitor conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).

38. A pre-construction biological resources survey shall be conducted within the area that is screened and within areas adjacent to the driveway on the day after screening, in compliance with the following requirements:
- a. The permittee shall plan to remove vegetation from within the screened area no more than one day after completion of the pre-construction biological resources survey.
 - b. Laborers shall use handheld tools to remove the vegetation. Using handheld tools will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
 - c. A biologist shall monitor vegetation removal to capture and relocate wildlife as necessary. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
39. Initial grubbing and grading shall occur three to seven days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities allows wildlife, including special-status species, a chance to escape and reduces the potential of them being crushed by heavy machinery. A biologist shall monitor grubbing and grading to capture and relocate wildlife as necessary. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
40. Fuel modification shall occur on the Project Site after or concurrently with the construction phase of the proposed Project, as directed the Fire Department, in compliance with the following requirements:
- a. A qualified biologist shall implement the Nesting Bird Survey and Protection Plan before fuel modification occurs.
 - b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.
 - c. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.
41. Any future development on the Project Site or improvements to the approved development shall require a CDP amendment or new CDP. Prior to final approval, the permittee shall provide evidence of the recordation of a deed restriction against the property, free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed. The Director shall approve the text of the deed restriction reflecting this future improvement restriction. The deed restriction shall apply to the entirety of the Project Site, and shall insure that any future structures, future improvements, or change of use to the permitted structures

authorized by the CDP, including but not limited to, any grading, clearing or other disturbance of vegetation, shall require the approval of an amendment to the CDP or the approval of an additional CDP, and that the exemptions otherwise provided in subsections A.1 or A.2 of County Code Section 22.44.820 shall not apply. The permittee shall provide evidence that the deed restriction appears on a preliminary report issued by a licensed title insurance company for the Project Site.

42. Per County Code Section 22.44.1260 F, grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.
43. The Project shall provide mitigation through the County's Resource Conservation Program ("RCP"), if such program is valid and in effect, or shall otherwise provide mitigation through restoration as mitigation pursuant to County Code Section 22.44.1950. If the RCP is valid and in effect at the time of implementation of this condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950.A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to, issuance of any grading or building permit.

If the RCP is not valid and in effect at the time of implementation of this condition, the Director shall require restoration as mitigation pursuant to County Code Section 22.44.1950.C. If mitigation as restoration is required, the permittee shall submit a restoration and/or enhancement plan consistent with the LIP for review and acceptance by the Director prior to issuance of grading or building permits. The habitat restoration or enhancement shall be completed prior to or concurrently with construction of the Project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of any grading or building permit for any portion of the Project. Alternatively, the permittee may pay the habitat impact in-lieu fee amount in effect at the time of final approval, if this alternative is authorized under the provisions of the LIP.

44. Per the requirements of County Code Section 22.44.1920 J, prior to issuance of the grading or building permit for the Project, the permittee shall dedicate a permanent Irrevocable Open Space Conservation Easement over all areas of the Project Site with grades of more than 50%, as well as those areas mapped as H1 and H2 Habitat that are not proposed for development. This easement shall be held by the County on behalf of the People of the State of California. No development, as defined in County Code Section 22.44.630, grazing, or agricultural activities shall be allowed in the Irrevocable Open Space Easement, except for the following:
 - a. Fuel modification required by the Fire Department undertaken in accordance with the final approved fuel modification plan for the permitted development and/or brush clearance required by the Fire Department for existing development on adjoining properties;
 - b. Drainage and polluted runoff control activities required and approved by Public Works and LA County Planning for permitted development;

- c. If approved by the County as an amendment to the CDP or a new CDP:
 - i. Planting of native vegetation and other restoration activities;
 - ii. Construction and maintenance of public hiking trails;
 - iii. Construction and maintenance of roads, trails, and utilities consistent with easements in existence prior to approval of the permit; and
 - iv. Confined animal facilities only where consistent with County Code Section 22.44.1940.

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