

October 23, 2024

Gary and Jeannine Isbell  
1732 Aviation Boulevard, Suite 217  
Redondo Beach, CA 90278

PROJECT NO. 2011-01126-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201500036  
VARIANCE NO. RPPL2019006788  
25830 DARK CREEK ROAD, CALABASAS (APN: 4456-011-095)

Dear Mr. And Mrs. Isbell,

Hearing Officer Diane Temple, by her action of **October 22, 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 Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **November 5, 2024**. Appeals must be submitted to [appeal@planning.lacounty.gov](mailto:appeal@planning.lacounty.gov) before the end of the appeal period.

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

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

Mr. and Mrs. Isbell  
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For questions or for additional information, please contact William Chen, AICP of the Coastal Development Services Section at (213) 893-1090, or [wchen@planning.lacounty.gov](mailto:wchen@planning.lacounty.gov).

Sincerely,

AMY J. BODEK, AICP  
Director of Regional Planning



Robert Glaser, Supervising Regional Planner  
Coastal Development Services Section

RG:WCC

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. R2011-01126-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201500036  
VARIANCE NO. RPPL2019006788**

**RECITALS**

1. **HEARING DATE.** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing on September 17, 2024, which was not opened for public hearing and continued to October 22, 2024, in the matter of Project No. R2011-01126-(3), consisting of Minor Coastal Development Permit No. 201500036 (“Minor CDP”) and Variance No. RPPL2019006788 (“Variance”). The Minor CDP and Variance are referred to collectively as the “Project Permits.”
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on September 17, 2024 before the Hearing Officer. The Hearing Officer continued the item without opening public hearing to ensure posting and noticing and story pole requirements were completed. At the public hearing held October 22, 2024, Staff provided a presentation and recommendation for approval, subject to attached findings and conditions. The architect, Nick Kazemi, and owners, Gary and Jeannine Isbell provided testimony and made themselves available for questions. Members of public then provided testimony in opposition to the project, citing concerns regarding the perceived impact of the on-site waste treatment system, flooding issues, and habitat impacts resulting from development. The Hearing Officer made inquiries with staff about the stated concerns. Following Staff’s response, the Hearing Officer subsequently closed the public hearing and approved the project.
3. **ENTITLEMENTS REQUESTED.** The permittee, Gary and Jeannine Isbell (“Permittee”), requests the Project Permits to authorize the construction of a new two-story, 2,479-square-foot, single-family residence, an attached 526-square-foot two-car garage, and an onsite wastewater treatment system (“OWTS”) with leach fields that are within 100 feet of a stream and within 50 feet of oak and other native trees (“Project”) on a property located at 25830 Dark Creek Road (Assessor’s Parcel Number 4456-011-095) in the unincorporated community of the Santa Monica Mountains Coastal Zone (“Project Site”). A total of 354 cubic yards of earth would be graded, consisting of zero cubic yards of cut, 354 cubic yards of fill, and zero cubic yards of export. The Project would be located within mapped H3 Habitat, H1 Habitat Buffer, and H1 Quiet Zone categories.
4. **ENTITLEMENTS REQUIRED.** The Minor CDP is required to construct a new single-family residence in the R-C-1 (Rural Coastal – 1 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.44.810. The Variance is required to construct an OWTS with leach fields within 100 feet of a stream and within 50 feet of oak and other native trees pursuant to County Code Sections 22.44.1150 and 22.44.1340.

5. **LAND USE DESIGNATION.** The Project Site is located within the Rural Village (“RV”) land use designation of the Santa Monica Mountains Local Coastal Program (“LCP”) Land Use Policy Map.
6. **ZONING.** The Project Site is located in the Santa Monica Mountains Planning Area and is zoned R-C-1. Pursuant to County Code Section 22.44.1750, a single-family residence is a principal permitted use within the R-C Zone. The Project is located within the California Coastal Commission’s mapped appeal jurisdiction, exceeds 50 cubic yards of grading, requires a Variance, and results in development activity within 200 feet of H1 habitat, which requires review by the Environmental Review Board (“ERB”). Therefore, a Minor CDP is required for all Project activities pursuant to County Code Sections 22.44.860.A.2, 22.44.940.A, 22.44.940.B, and 22.44.1260.C.2.

**7. SURROUNDING LAND USES AND ZONING**

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RV	R-C-1	Vacant
EAST	RV	R-C-1	Single-family Residential
SOUTH	RV	R-C-1	Equestrian Use, Single-family Residential
WEST	RV	R-C-1	Single-family Residential

**8. PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is 43,300 gross square feet (0.99 gross acres) in size and consists of one legal lot. The Project Site is undeveloped and is irregular in shape with gentle to steep sloping topography. The Project Site includes areas mapped as H1 Habitat, H1 Habitat Buffer, H1 Quiet Zone, and H3 Habitat within the Santa Monica Mountains Land Use Plan (“LUP”). Riparian vegetation on the southern portion of the Project Site is mapped as H1 Habitat. While the entire area proposed for development is mapped as H3 Habitat, it is within 200 feet of H1 Habitat, which places it within the H1 Habitat Buffer (0-100 feet away) or the H1 Quiet Zone (100-200 feet away).

B. Site Access

The Project Site is accessible via Dark Creek Road to the north. Dark Creek Road is a private street that becomes a 40-foot-wide public road approximately 350 feet to the east.

C. Site Plan

The site plan depicts the Project Site with a new 2,479-square-foot, two-story single-family residence with a 526-square-foot attached two-car garage. The structure measures 24.5 feet in height. The residence will have three bedrooms, a den, a kitchen, and three bathrooms. Ingress and egress to the Project Site is provided by a 20-foot-wide gravel driveway accessing Dark Creek Road to the north. Oak woodlands are located on the western portion of the Project Site and

riparian habitat is located on the southern portion of the Project Site. The proposed building site area (“BSA”) is 9,909 square feet and is located on the northern portion of the Project Site where the topography is flattest and the ground is already disturbed.

The OWTS with a leach field would be located 50 feet east of the residence, less than 50 feet from the driplines of six oak trees and the canopy of riparian habitats. A 20-foot-wide, 150-foot-long paved driveway would provide access to Dark Creek Road to the southeast. While the entirety of the BSA is mapped as H3 Habitat, it is within 200 feet of H1 Habitat, which places it within the H1 Habitat Buffer and the H1 Quiet Zone. The Project would not require any new fuel modification within H1 Habitat, as all H1 Habitat within the approved fuel modification radius (100 feet) is already subject to fuel modification for adjacent residences to the south, west, and east.

9. **PUBLIC COMMENTS.** Prior to the publication of the Report to the Hearing Officer, LA County Planning staff received two correspondences in opposition to the Project.

**10. AGENCY RECOMMENDATIONS.**

- A. County Department of Public Works: Recommended clearance to public hearing with no conditions in a letter dated November 12, 2019.
- B. County Fire Department (“Fire Department”): Recommended clearance to public hearing with no conditions in a letter dated February 4, 2019.
- C. County Department of Parks and Recreation: Recommended clearance to public hearing with no conditions in a letter dated October 5, 2017.
- D. State of California Department of Fish and Wildlife: Recommended clearance to public hearing with conditions in a letter dated September 14, 2021. These conditions have been included within the Project’s conditions of approval.
- E. County ERB: Recommended clearance to public hearing with conditions at a meeting held on March 18, 2013. These conditions have been included within the Project’s conditions of approval.
- F. County Department of Public Health (“Public Health”): Recommended clearance to public hearing with conditions in a letter dated June 16, 2021. These conditions have been included within the Project’s conditions of approval.

**11. CEQA DETERMINATION.**

Prior to the Hearing Officer’s public hearing on the Project, County Department of Regional Planning (“LA County Planning”) Staff determined that the Project qualified for a Class 3 Categorical Exemption, New Construction or Conversion of Small Structures, and Class 4 Categorical Exemption, Minor Alterations to Land from the California Environmental Quality Act (Public Resources Code section 21000, et seq.)

(“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County.

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

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 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 of with a slope of 10 percent or less that is associated with one single-family residence and accessory uses. The Project qualifies for a Class 4 Categorical Exemption because the Project includes 354 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 include project 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 do 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 Staff Biologist. The Staff Biologist conducted a site visit and confirmed the contents of the biological assessment. The biological assessment confirms that the portion of the Project Site proposed for development does not contain any state-designated environmental resources of hazardous or critical concern; does not contain any plants or animals listed as federal, state, or locally sensitive; and is not considered a particularly sensitive environment. The area subject to development, including the new fuel modification area and the proposed BSA, would not extend into H1 Habitat, which is described in the Local Implementation Program (“LIP”) as habitats with the highest biological significance. The Project, which is not visible from any scenic highway, trail, or parklands, is not expected to impact scenic resources. It is also not likely to have a cumulative or significant effect on the environment, as it consists of one single-family residence in an area of existing development, and no hazardous waste sites or historic resources would be affected. The Project was evaluated by the ERB on September 18, 2023, and the Project was deemed consistent with the policies and development

standards of the LCP. Therefore, Staff recommends that the Hearing Officer determine that 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 because the RV land use designation is intended for low density single-family detached homes, such as the Project. The Hearing Officer further finds that the Project maintains the continuity of small, integrated communities that is characteristic of areas in the RV land use designation.

13. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with LUP Land Use Policy LU-29: *“Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles...”*

The Project is one appropriately sized single-family residence located within a rural residential area. The Project will retain the natural terrain because the BSA will be on the flattest portion of the Project Site with minimal amounts of grading.

14. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with 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”* and Policy CO-109: *“Site and design new development to protect natural features and minimize removal of natural vegetation.”*

The Project would utilize a gently sloping portion of the Project Site that was previously disturbed and consists of nonnative grasses. This location will avoid the need to remove native vegetation and grade large amounts of earth. It will also avoid all development, including fuel modification, within H1 Habitat, as all H1 Habitat within the approved fuel modification radius is within the off-site fuel modification zones of the adjacent residences to the south and east.

15. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with LUP Land Use Policy LU-32: *“Restrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small constrained parcels on coastal resources by applying the Slope Intensity Formula to residential development. The Slope Intensity Formula shall not apply to the Upper Latigo Rural Village.”*

The Project does not exceed the Project Site’s maximum allowable gross structural area (“GSA”) and complies with development standards related to height and setbacks. The Project Site’s maximum allowable GSA is 2,938.79 square feet and the Project’s GSA is 2,605 square feet, which is calculated as 3,005 square feet for the combined single-family residence and the garage, minus 400 square feet of garage space. Furthermore, the maximum allowable height is 30 feet, and the proposed height is 24 feet and 6 inches. The Project is not visible from any scenic resources.

- 16. GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with LUP Land Use Policy LU-36: *“Development on parcels must be clustered and concentrated in one building site area, particularly within lands designated either Rural Lands or Rural Residential, to facilitate fire protection and to preserve and minimize impacts to coastal resources and the area of disturbance. Areas surrounding the approved building site area shall be required to be dedicated as open space in perpetuity.”*

The Project is clustered and concentrated within the BSA. There are no proposed structures or additional development beyond the principal permitted use.

- 17. GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with LUP Land Use Policy LU-39: *“Limit the length of private access roads to the minimum necessary to provide access to the approved building site of a legal parcel. Temporary roads approved for preliminary hydrologic or geologic testing shall be restored and not be considered an existing access road for subsequent development proposals.”*

The Project proposes the shortest and most direct access between the garage and Dark Creek Road. The BSA is situated adjacent to Dark Creek Road, which serves as the primary ingress and egress to the Project Site.

### **ZONING CODE CONSISTENCY FINDINGS**

- 18. PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the R-C-1 zoning classification because a single-family residence is a principal permitted use in such zone with an Administrative CDP pursuant to County Code Section 22.44.1750. County Code Section 22.44.1620 requires a Minor CDP for projects proposing between 50 and 5,000 cubic yards of grading. Since the Project proposes 354 cubic yards of grading and would encroach into the protected zones of three oak trees, a Minor CDP is required instead of an Administrative CDP.

In addition, the placement of OWTS leach fields less than 150 feet from a stream or less than 50 feet from the dripline of an oak or other native tree requires a Variance (County Code Section 22.44.1340 B.3.c). A new OWTS with leach fields would be located less than 50 feet from the driplines of six oak trees and the riparian canopy of other native trees. Therefore, a Variance is also required to authorize the placement of the OWTS because it deviates from the required development standards due to the physical constraints presented at the Project Site.

- 19. REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1375, 22.44.1710.E, and 22.44.1750.E. The front yard setback is 20 feet, which is the minimum required. The side yard setbacks exceed the minimum required five feet. The rear yard setback exceeds the minimum required 15 feet.

- 20. HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1250.B. The Project would have a maximum height of 24.5 feet above grade, which is less than the maximum allowable height of 30



feet. The Project is not located within or nearby scenic resources and is therefore not subject to the 18-foot height limit for projects in Scenic Resource Areas.

21. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1410.Y. The project proposes a 526-square-foot two-car garage.
22. **BIOLOGICAL RESOURCES.** The Hearing Officer finds that the Project is consistent with the biological resources requirements of County Code Section 22.44.1800 et seq. The Project was evaluated by the LA County Planning Staff Biologist (“Staff Biologist”) and by the ERB. At a public meeting held on September 18, 2023, the ERB concluded that the Project is consistent with the applicable biological resource protection policies and development standards of the LCP after modifications, which included revisions of the Fuel Modification Plan and Biological Resources Map. The Project is appropriately conditioned to include the Staff Biologist and ERB recommendations to submit a revised Fuel Modification Plan that includes the ember resistant zone and a full depiction of Fuel Modification Zone C.

The Project is located in an area on the Project Site that has the least amount of impacts to habitat. As a result of the physical constraints of the Project Site, the residential structure maintains only a 50-foot buffer from nearby riparian trees, which is less than the 100-foot buffer from H1 Habitat required by County Code Section 22.44.1900.A. However, despite this encroachment into the H1 Habitat Buffer, the Project Site remains within the boundaries of the surrounding residential developments’ existing overlapping fuel modification zones. The Project’s Fuel Modification Zones A and B have a combined width of 100 feet but remain within the existing fuel modification zones of neighboring developments. Therefore, the Project does not expand impacts within the H1 Habitat Buffer or the H1 Quiet Zone. The Project’s Fuel Modification Zone C extends outward to 200 feet and is not contained within existing overlapping fuel modification zones. However, Fuel Modification Zone C is not designated by the Fire Department as an area requiring fuel modification or maintenance, unless determined necessary after an on-site inspection. Any future determination by the Fire Department to require fuel modification or maintenance of vegetation within Fuel Modification Zone C is allowed by County Code Section 22.44.1890.D.8.

23. **HABITAT REMAPPING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1830. The Biological Resources Map has been adjusted to account for on-site H1 Riparian Habitat located along the southern property line, pursuant to the ERB’s recommendations.

### **ZONING CODE DEVELOPMENT STANDARDS FINDINGS**

24. **VEGETATION REMOVAL.** The Hearing Officer finds that the Project is consistent with the vegetation removal methods and requirements identified in County Code Section 22.44.1240. The Project is conditioned to prohibit the use of discing or other methods of clearance to bare earth within fuel modification areas. The site plan associated with the Project depicts vegetation removal occurring only where the single-family residence will be located and within the associated fuel modification and

brush clearance zones. The Project is sited to ensure that the BSA is located on a portion of the Project Site clustered close to existing development. The totality of the Project resides within both H3 Habitat (existing disturbed areas) and H1 Habitat Buffer areas. Additionally, the majority of the Project resides within areas that are subject to existing fuel modification activities related to nearby development. No vegetation is proposed for removal; only thinning is necessary for fuel modification purposes.

25. **LANDSCAPING AND INVASIVE PLANT SPECIES.** The Hearing Officer finds that the Project is consistent with the applicable requirements for landscaping and the use of invasive plant species identified in County Code Section 22.44.1240.B. The Project proposes a landscape palette that utilizes locally indigenous species. The landscaping plan for the Project was reviewed by the Staff Biologist and the ERB, which approved the landscaping plan with a recommendation that native plants be incorporated into the landscaping plan, where feasible. The ERB found the landscaping plan to be consistent with the biological protection policies and provisions of the LCP.
26. **PERMITTED USES.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1890.D, which states that development that is not permitted in the H1 Habitat Buffer may be approved only when:
- a. The Project Site is on a lawfully created parcel;
  - b. The development is the minimum necessary to provide the landowner with a reasonable economic use of the property;
  - c. There is no other feasible alternative building site location that can avoid the H1 Quiet Zone;
  - d. The maximum feasible H1 Quiet Zone width is provided between the development and the H1 Habitat Buffer;
  - e. The development is sited and designed to prevent impacts that would significantly degrade H1 Habitat; and
  - f. All feasible mitigation measures have been provided to minimize adverse environmental impacts.

The residence is situated at the northern portion of the Project Site and at the furthest location away from the H1 Riparian Habitat and the stream located to the south. The residence is positioned to minimize encroachments to oak trees on the western edge of the Project Site, which was lawfully established by Certificate of Compliance No. 01-070. The proposed residence is the minimum amount of development necessary to provide reasonable economic use of the property and occupies the minimum necessary footprint. No other location on the Project Site exists that would result in a reduced impact to the existing habitat because roughly one-half of the parcel is mapped as H1 Habitat and the remaining half is mapped as H1 Habitat Buffer Zone or H1 Quiet Zone.

27. **HABITAT AVOIDANCE PRIORITY.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.C. This County Code Section states that new development shall be sited in a manner that avoids the most biologically sensitive habitat on site, where feasible, in the following order of priority: H1 Habitat, H2 High Scrutiny Habitat, H2 Habitat, and H3 Habitat. The

Project Site is located within H3 Habitat and the H1 Habitat Buffer Zone and no other location on the property has less habitat avoidance and less impact to sensitive habitat because the entire property is mapped as H1 Habitat, H1 Habitat Buffer Zone, or H1 Quiet Zone.

28. **CLUSTERING OF DEVELOPMENT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.H. This County Code Section states that new development shall minimize impacts to H3 Habitat by clustering structures and limiting the BSA to the maximum allowed by County Code Section 22.44.1910.I. This County Code Section also states that the maximum number of structures for residential development shall be limited to one main residence, one second residential structure, and accessory structures. Lastly, this County Code Section states that all structures must be clustered within the approved BSA. The Project is designed to accommodate only one main residence without any detached accessory structures that would expand the development area beyond the minimum footprint necessary for the main residence. The residence is designed and situated to minimize impact to habitats.
29. **BUILDING SITE AREA.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.I. This County Code Section states that when new residential development is permitted in H3 Habitat, the maximum allowable residential BSA shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less. The Project has a total BSA of 9,909 square feet, which is less than the maximum 10,000 square feet.
30. **PROXIMITY TO EXISTING ROADWAYS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.G. This County Code Section states that new development shall be located as close as possible to existing roadways, services, and other developments to minimize impacts to H2 Habitat areas. The residence is positioned within 20 feet of the northern property boundary that abuts Dark Creek Road, which is the nearest existing roadway. This location is the closest that the residence can be to the existing roadway without violating front yard setback requirements.
31. **OAK WOODLAND IN RURAL VILLAGES.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.J. This County Code Section states that new development in Rural Villages shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. The Project Site contains individual oak trees in addition to an oak woodland. The Project avoids any oak tree encroachments.
32. **GRADING AND VEGETATION REMOVAL.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920.A. The proposed grading is the minimum necessary to accommodate the BSA for the residence and driveway. The Project has a Fuel Modification Plan approved by the Fire Department that minimizes removal of native vegetation while also providing for fire safety and the Fuel Modification Plan is consistent with County Code Section

22.44.1240. The biological assessment report indicates that no special-status plants were observed, and primarily non-native vegetation would be removed from the Project Site. The proposed BSA is already predominantly disturbed and the only impact to existing native vegetation would be fuel modification thinning. The Project, as conditioned, will ensure that disturbance of wildlife and special-status species will be avoided when vegetation removal, thinning and mowing is performed in conjunction with new development.

33. **FENCING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920.B. The Project does not propose any fencing on the Project Site.
34. **ACCESS ROADS AND TRAILS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920.C. The Project contains only one driveway with the minimum length necessary to serve the residence.
35. **OWTS STANDARDS.** The Hearing Officer finds that the Project is not consistent with the standards identified in County Code Section 22.44.1340, which prohibits OWTS leach fields within 150 feet of a stream or within 50 feet of the dripline of any oak or other native tree. The Project's proposed leach field would not meet these standards because OWTS leach fields are proposed less than 50 feet from six oak trees and the riparian canopy of other native trees. Therefore, a Variance is required (see "Variance Findings" below).
36. **LIGHTING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1920.E and 22.44.1270. The proposed lighting is the minimum necessary to illuminate walkways for entry and exit and for providing security. The Project is conditioned to ensure that all lighting is of low intensity, and shielded and concealed to the maximum feasible extent, to avoid or minimize impacts to biological resources and public views of the natural sky and stars.
37. **FUTURE DEVELOPMENTS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920.I. The Project is conditioned to require that any future improvements to the approved development will require an amendment to this CDP or a new CDP.
38. **OPEN SPACE.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920.J. The Project is located adjacent to H1 Habitat and is therefore conditioned to require the preservation of the remaining H1 Habitat and H1 Habitat Buffer, in addition to all steep lands, in perpetuity.
39. **NATIVE TREE PROTECTION.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920.K. The Project does not result in the removal of any existing native trees on-site. Furthermore, a portion of the Project Site and the existing native trees are located within the 200-foot fuel modification area of existing surrounding development. Fuel modification activities

associated with the Project are limited to branch thinning and do not include vegetation removal.

40. **MITIGATION.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. The Project Site is designated as H1 Habitat, H2 Habitat, and H3 Habitat by the LUP. While all development would occur within H3 Habitat, the entirety of the BSA would be located within the H1 Habitat Buffer Zone and the H1 Quiet Zone. The Project would result in no direct development or new fuel modification within the H1 Habitat, as the entire Project Site is within the existing fuel modification zones of adjacent residences. The Project would result in 9,909 square feet (0.21 acres) of direct development within the H1 Habitat Buffer Zone. These impacts cannot be mitigated through a habitat impact in-lieu fee (County Code Section 22.44.1950) because the County does not currently have a current valid Resource Conservation Program (“RCP”). Therefore, a condition of Project approval requires the impact to be mitigated through an in-lieu fee upon the adoption of a valid RCP or, alternatively, by proposing a mitigation plan to be approved by the Director of Regional Planning at a later date, but before grading and construction can occur.
41. **HAZARDS AREA.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.2102. The Project Site is located within a Very High Fire Hazard Severity Zone, a Liquefaction Zone, and a Federal Emergency Management Agency Flood Zone (“Flood Zone”). The Project is sized, sited and designed to minimize risks to life and property. The BSA is situated adjacent to the roadway and elevated away from the Flood Zone. The Project is conditioned ensure stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the Project Site or the surrounding area.
42. **RURAL VILLAGES.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.2140. The Project’s GSA is 2,605 square feet, which is calculated as 3,005 square feet for the combined single-family residence and the garage minus 400 square feet of garage space, and the GSA does not exceed the maximum allowable GSA of 2,938.79 square feet.
43. **COLORS, MATERIALS, DESIGN.** The Hearing Officer finds that the Project is consistent with the applicable requirements for construction colors, materials, and design identified in County Code Section 22.44.1320. The Project has been designed so that it is clustered near existing development. The Project will not utilize reflective or glossy roofing or siding materials. The Project conditions require that the Project utilize acceptable exterior colors, including earth tones that blend with the surrounding environment.
44. **WATER RESOURCES.** The Hearing Officer finds that the Project is consistent with the applicable water resource requirements identified in County Code Section 22.44.1340. The Project has been designed to incorporate water resource protections to prevent potential adverse impacts to water quality and water resources. The Project will implement storm water retention devices, including culverts and bioswales, where required. Current National Pollutant Discharge Elimination Systems standards from

the Regional and/or State Water Quality Board will also be applied to the Project. The new OWTS will be subject to review and approval by Public Health and will incorporate all applicable setbacks and buffers. The OWTS is located in H3 Habitat and the H1 Habitat Buffer but it will not impact sensitive biological resources because its impact would be minimal, and any temporary aboveground disturbance would be fully mitigated with habitat restoration and/or revegetation. The Project implements Low Impact Development techniques to minimize the development's impacts to runoff quality and quantity. The Permittee has also reduced the amount of grading and vegetation that will be disturbed by clustering the Project's required fuel modification areas with the fuel modification areas required by the existing neighboring developments.

### **COASTAL DEVELOPMENT PERMIT FINDINGS**

45. **The Hearing Officer finds that the proposed development is in conformity with the certified local coastal program.** The Project conforms with the development standards prescribed within the LIP. The BSA is located within the most suitable location on the Project Site, which ensures minimal habitat disturbance. Due to the physical constraints of the Project Site, a Variance is necessary to accommodate the OWTS leach fields.
46. **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 Site is not located within this defined area and these policies are therefore not applicable to the Project.

### **VARIANCE FINDINGS**

47. **The Hearing Officer finds that there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.** The Project Site presents physical constraints which do not allow for the leach fields to be located in a manner which conforms to the required development standards. A stream and a corresponding riparian habitat occupy the southern portion of the Project Site. Oak woodlands occupy the western portion of the Project Site. These habitat constraints create a condition that makes it impossible for the leach fields to not encroach into the required buffers.
48. **The Hearing Officer finds that That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.** The granting of this variance allows for the placement of OWTS leach fields, which are necessary accessory infrastructure for the residential development. Without this

infrastructure, the property owner would not have reasonable economic use of the Project Site.

49. **The Hearing Officer finds that That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.** The granting of this variance will not be detrimental to public welfare or cause injury to other property or improvements. The proposed leach field is located adjacent to a private road and a driveway, which affords close access for maintenance.

50. **The Hearing Officer finds that That the granting of the variance will not be materially detrimental to coastal resources.** The granting of this variance will not be detrimental to coastal resources. The blue line creek and riparian habitat are located beyond the Project Site's property boundaries. While the OWTS leach fields remain within the buffer areas, the Project activities protect these resources.

#### **COASTAL DEVELOPMENT PERMIT HAZARDS AREA FINDINGS**

51. **The Hearing Officer finds that the proposed development is in conformity with County Code Section 22.44.2101.** The Project, as conditioned, will be reviewed by County agencies for conformity with development standards related to hazard areas during the building permit process

#### **GRANT TERM FINDING**

52. The Hearing Officer finds that a grant term limit on the CDP and Variance is not necessary to ensure continued compatibility between the Project and the surrounding land uses.

#### **ENVIRONMENTAL FINDINGS**

53. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15303 (Class 3, New Construction or Conversion of Small Structures Categorical Exemption) and 15304 (Class 4, Minor Alterations to Land Categorical Exemption). The Class 3 Categorical Exemption specifically pertains to the construction of a single-family residence and its appurtenant structures, while the Class 4 Categorical Exemption specifically refers to the grading, vegetation removal, and tree encroachments proposed as part of the Project.

#### **ADMINISTRATIVE FINDINGS**

54. **LEGAL NOTIFICATION.** The Hearing Officer finds that pursuant to Section 22.44.990 of the County Code, 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 99 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 700-foot radius from the Project Site.

**55. 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 THAT:**

Regarding the CDP:

- A. That the proposed development is in conformity with the certified local coastal program.
- B. 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.

Regarding the Variance:

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.
- D. That the granting of the variance will not be materially detrimental to coastal resources.
- E. That the proposed development is in conformity with Section 22.44.2101.



**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15303 and 15304 (Class 3, Existing Facilities Categorical Exemption, and Class 4, Minor Alterations to Land Categorical Exemption); and
2. Approves **MINOR COASTAL DEVELOPMENT PERMIT NO. 201500036**, and **VARIANCE NO. RPPL2019006788** subject to the attached conditions.

**ACTION DATE: October 22, 2024**

MG:RG:TM:WCC

10/10/24

c: Hearing Officer, Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY  
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL  
PROJECT NO. R2011-01126-(3)  
MINOR CDP NO. 201500036  
VARIANCE NO. RPPL2019006788**

**PROJECT DESCRIPTION**

The project is a Minor Coastal Development Permit (“Minor CDP”) to construct a single-family residence located on a one-acre property within the Santa Monica Mountains Coastal Zone (“Project Site”) and a Variance to construct onsite wastewater treatment system (“OWTS”) leach fields within the buffer zone of a stream and from oak and other native trees (“Project”), subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with 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 Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 22.170.010.

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**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant. The fund provides for **one (1) inspection**. The Inspection may be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible

and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$440.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission (“Commission”) or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public’s health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department (“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 **November 21, 2024**.
15. In the event that subsequent revisions to the approved Exhibit “A” are submitted, the permittee shall submit **one (1) digital copy** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit “A.” All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PROJECT SITE-SPECIFIC CONDITIONS**

16. Prior to issuance of the grading or building permit for the Project, the permittee shall dedicate all areas of the Project Site mapped as H1 Habitat, H2 Habitat, H1 Habitat Buffer Zone, parkland buffer, and/or areas with grades of more than 50% as a permanent Irrevocable Open Space Conservation Easement, held by the County on behalf of the People of the State of California, per the requirements of County Code Section 22.44.1920.J. 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 runoff control activities required and approved by the County for permitted development; and
- c. If approved by the County as an amendment to this 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 this CDP; 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 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 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 area, and the easement document 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 these CDP conditions, consistent with the exceptions detailed in this condition. Recordation of said easement on the Project Site shall be permanent.

- 17. The building site area, as defined by County Code Sections 22.44.630 and 22.44.1910.I., shall be limited to 9,909 square feet.
- 18. The permittee shall comply with all conditions set forth in the attached Department of Fish and Wildlife letter dated September 14, 2021, to the satisfaction of said department.
- 19. The permittee shall comply with all conditions set forth in the attached Department of Public Health ("Public Health") letter dated June 16, 2021, to the satisfaction of said department.
- 20. The permittee shall comply with all conditions set forth in the attached Fire Department letter dated February 4, 2019, to the satisfaction of said department.

21. 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 shall dispose of the trash at an off-site landfill.
22. 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, or be placed where it may be washed by rainfall or runoff, into the nearby stream (Cold Creek Drainage).
23. The permittee's contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.
24. 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.
25. 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 repair the leak.
26. 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 spill reasonably foreseeable).
27. Discing and clearing for fuel modification are prohibited in the Local Implementation Program ("LIP") (County Code Section 22.44.1240 A.2). Instead, fuel modification shall be performed using hand tools, including weed whips, grazing, or mowing leaving plant stubble cover.
28. Any large equipment used for fuel modification, construction, or grading shall be pressure-washed to remove invasive plant propagules before transport to the Project Site.
29. 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 prunings for any one clump. Resprouting species can be pruned to near ground level. Locally indigenous plants thinned for fuel modification shall be chipped up and used as native plant mulch. Disking and indiscriminate clearing is prohibited in any fuel modification zone. During the removal of fuel ladders from trees, lower branches shall be pruned up to one-third of tree height, or up to six feet maximum, for trees 18 feet and taller.

30. Glass used in the Project shall be least reflective and/or incorporate frit patterns to promote energy conservation and prevent bird strikes, per the requirements of County Code Section 22.44.1320.
31. Exterior lighting shall follow the provisions of County Code Sections 22.44.1920.E and 22.44.1270 in order to avoid light trespass.
32. 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 Project biologist.
33. Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds as defined by the California Department of Fish and Wildlife ("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 the CDFW 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, the development area, the fuel modification zones, the driveway area, and areas within 50 feet of them. The biologist shall also survey 300 feet beyond these areas, as access allows.
  - b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys, beginning 30 days prior to the initiation of Project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and, as access to adjacent areas allows, any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of Project activities. If a protected native bird is found in suitable nesting habitat, all Project activities within 300 feet of on- and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31. 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 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 a raptor nest, 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 the CDFW. Based on the submitted information, the Director, in consultation with the 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 the Director 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.
34. 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-wide strip of vegetation at the limits of the grading limits/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 a 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 the handling of invertebrates, reptiles, amphibians, and mammals.
  - f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the Project biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
35. A Pre-Construction Biological Resources Survey shall be conducted within the area that is screened and within areas adjacent to the driveway the day after screening.
- a. The permittee shall plan to remove vegetation from within the screened area no more than one day after completion of the Pre-Construction Biological Resources Survey.
  - b. Laborers shall use handheld tools to remove the vegetation. Using hand-held 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 the handling of invertebrates, reptiles, amphibians, and mammals.
36. 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 reduce the potential of them being crushed by heavy machinery.
- a. A biologist shall monitor grubbing and grading to capture and relocate wildlife as necessary. The biologist shall hold a CDFW Scientific Collectors Permit authorizing the handling of invertebrates, reptiles, amphibians, and mammals.
37. The Project Site shall be fuel-modified after or concurrently with the construction phase of the proposed Project, as directed by the Fire Department.
- a. A qualified biologist shall implement the Nesting Bird Survey and Protection Plan before fuel modification occurs.
  - b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.

- c. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.
38. Prior to issuance of building or grading permits, the permittee shall ensure that the project design conforms to hazards development standards associated with a Very High Fire Hazard Severity Zone, a Liquefaction Zone, and a Federal Emergency management Area Flood Zone.
39. Prior to the issuance of a grading permit, a qualified biologist shall be retained by the permittee 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 CDFW at their request.
40. 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 exist 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 exist. A summary of findings shall be submitted to the Director (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, including native sycamore trees, 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); the method for restoration, enhancement, and/or transplanting; a performance standard replacement ratio of 1:1 per impacted Rare Plant Rank ("RPR") 4 specimen and a replacement ratio of 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 a replacement ratio of 4:1 per impacted RPR 1, 2, or 3 specimens.

41. Prior to final approval, the Director shall approve a habitat restoration plan for all H1 buffer habitat to be disturbed during installation of the OWTS.
42. Any future development on the Project Site or improvements to the approved development shall require an amendment to this CDP or a 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 text of which has been approved by the Director, 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 this 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.
43. The use of campfires, fire pits, wood stoves, or wood-burning fireplaces is prohibited.
44. The Project shall utilize acceptable exterior colors including earth tones that blend with the surrounding environment.
45. The Project shall provide .21 acres (9,909 square feet) of 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 the Project's grading or building permits. Should the RCP not be valid and in effect at the time of implementation of this condition, the Director shall require restoration as mitigation instead of reliance on the RCP pursuant to County Code Section 22.44.1950.A, and the Project shall provide 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 construction of the Project and, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of grading or building permits for any portion of the Project.

46. 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.

Attachments:

- Exhibit 1 Fire Department Letter dated February 4, 2019
- Exhibit 2 Public Health Letter dated June 16, 2021
- Exhibit 3 CDFW Letter dated September 14, 2021
- Exhibit 4 Parks and Recreation Department letter dated October 5, 2017
- Exhibit 5 Public Works Department letter dated November 12, 2019



**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: RCDP-201500036  
PROJECT NUMBER: R2011-01126

MAP DATE: February 4, 2019  
PLANNER: Shanna Farley-Judkins

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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 the Fire Department Engineering Section for review and approval.

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

**June 16, 2021**

**CASE: RCDP-201500036  
PROJECT: R2011-01126  
PLANNER: Chen, William  
LOCATION: 25860 Dark Creek Road Malibu 91302**

The Department of Public Health-Environmental Health Division has reviewed this project for a Minor Coastal Development Permit (MCDP) to authorize the construction of a new single story, 2,948 square foot, 30-foot tall 4bedroom single family residence at the above location. The applicant provided a May 19, 2021 Conditional Statement of Water Service from the Las Virgenes Municipal Water District. A Pre-Coastal Onsite Wastewater Treatment System approval was obtained on June 25, 2019 and a one-year extension was granted on June 10, 2020; however, the one-year extension should have been granted up until the end of June 24, 2021.

***Public Health recommends approval of the above project with the condition below that will be required prior to the issuance of building permits.***

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1. Once a Coastal Commission 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 questions regarding this report at (626) 430-5380 or [slamont@ph.lacounty.gov](mailto:slamont@ph.lacounty.gov).



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 14, 2021

Jeannine and Gary Isbell  
26046 Mulholland Highway  
Calabasas, CA 91302  
[redhorseji@gmail.com](mailto:redhorseji@gmail.com)

**Notification of Lake or Streambed Alteration, EPIMS Notification No. LAN-15135-R5, 25830 Dark Creek Road**

Dear Mr. and Mrs. Isbell:

The California Department of Fish and Wildlife (CDFW) had until September 13, 2021 to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. CDFW did not meet that date. As a result, by law, you may now proceed with the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602, subdivision (a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received by CDFW prior to September 13, 2021. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, Fish and Game Code sections 2080 *et seq.* (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); section 1908 (rare native plants); sections 3511, 4700, 5050, and 5515 (fully protected species); section 3503 (bird nests and eggs); section 3503.5 (birds of prey); section 5650 (water pollution); section 5652 (refuse disposal into water); section 5901 (fish passage); section 5937 (sufficient water for fish); and section 5948 (obstruction of stream).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site.

Jeannine and Gary Isbell

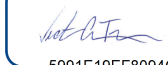
September 14, 2021

Page 2 of 2

If you have any questions regarding this matter, please contact Frederic (Fritz) Rieman, Environmental Scientist, at (562) 619-0605 or by e-mail at [Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov).

Sincerely,

DocuSigned by:



5991E19EF8094C3...

Victoria Tang

Senior Environmental Scientist (Supervisory)

ec: California Department of Fish and Wildlife

Frederic (Fritz) Rieman, Environmental Scientist

[Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov)

Victoria Tang, Senior Environmental Scientist (Supervisory)

[Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)

Susan (Sue) Howell, Staff Services Analyst

[Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.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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October 5, 2017

TO: Martin Gies  
Department of Regional Planning

FROM: Julie Yom, AICP *JY*  
Planning and CEQA Section

SUBJECT: **CASE NO. RCDP201500036**  
**PROJECT NO. R2011-01126**  
**APN: 4456-011-095**

The above-mentioned project has been reviewed for potential impacts on the facilities of the Department of Parks and Recreation. The project will not impact any parks and recreation 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 [jyom@parks.lacounty.gov](mailto: jyom@parks.lacounty.gov) or (213) 351-5127.



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

November 12, 2019

TO: Rob Glaser  
Coastal Permits Section  
Department of Regional Planning

Attention Shanna Farley-Judkins

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

**RCDP-201500036**  
**25860 DARK CREEK ROAD**  
**ASSESSOR'S MAP BOOK 4456, PAGE 11, PARCEL 95**  
**UNINCORPORATED COUNTY COMMUNITY OF AGOURA**

Thank you for the opportunity to review the Minor Coastal Development Permit (MCDP) for the subject project. The project proposes to build a new 2,948 square-foot single family residence. The grading includes 354 cubic yards of fill, and 400 cubic yards of import soils.

- Public Works has no conditions that need 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).

JDC:

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