

June 25, 2024

Paul Boghossian
17169 Ventura Blvd.
Encino, CA 91316

PROJECT NO. 2018-004229-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2024000683
2025 DELPHINE LANE, CALABASAS (APN 4455-060-009)

Dear Mr. Boghossian:

The Hearing Officer, by his action of **June 25, 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 **July 9, 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.

Mr. Paul Boghossian
June 25, 2024
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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

A handwritten signature in black ink, appearing to read 'Rob Glaser', with a horizontal line extending to the right.

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. 2018-004229-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2024000683**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing on **March 26, 2024, May 21, 2024, and June 25, 2024** in the matter of Project No. 2018-004229-(3), consisting of Minor Coastal Development Permit No. RPPL2024000683 ("Minor CDP").
2. **ENTITLEMENT(S) REQUESTED.** The permittee, Paul Boghossian ("Permittee"), requests a Minor CDP to construct a new 9,021-square-foot single-family residence, an 872-square-foot attached carport, a 502-square-foot open cabana, a swimming pool, a 60-foot-long access driveway, and an onsite wastewater treatment system ("OWTS") with 1,196 cubic yards of grading ("Project") on a 10-acre property located at 2025 Delphine Lane (Assessor's Parcel Number 4455-060-009), unincorporated Calabasas, in the Santa Monica Mountains Coastal Zone ("Project Site"). As part of the Project, on-site habitat will be remapped as recommended by the Environmental Review Board ("ERB"), resulting in approximately 0.7 acres of H1 Habitat, 8.9 acres of H2 Habitat, and 0.8 acres of H3 Habitat.
3. **ENTITLEMENT(S) REQUIRED.** The Minor CDP is a request to construct a new single-family residence and improvements, including a new OWTS, in the R-C-20 (Rural Coastal—20 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.44.810. Per the requirements of the Santa Monica Mountains Local Implementation Program ("LIP"), a Minor CDP is required for any project that results in grading of more than 50 cubic yards and less than 5,000 cubic yards of earth (County Code Section 22.44.1260). A Minor CDP is required because the Project proposes 1,196 cubic yards of grading (330 cubic yards cut, 113 cubic yards fill, and 596 cubic yards overexcavation and recompaction).
4. **LAND USE DESIGNATION.** The Project Site is located within the Rural Land 20 (1 dwelling unit per 20 acres maximum) land use designation of the Santa Monica Mountains Local Coastal Program Land Use Policy Map.
5. **ZONING.** The Project Site is located in the Malibu Zoned District and is currently zoned R-C-20. Pursuant to County Code Section 22.44.1750, a single-family residence and its accessory structures are the principal permitted use within the R-C Zone.

6. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The western 7.6 acres of the 10-acre Project Site are designated as restricted-use open space. This portion of the property consists of rugged, steeply sloping terrain and drainage courses and is mapped as H1 and H2 Habitat within the Santa Monica Mountains Land Use Plan ("LUP"). On the eastern portion of the Project Site is a graded area of approximately 33,500 square feet, which was legally created as part of the original subdivision approval in 2000 (Tract Map No. 51634). This portion of the Project Site, which is where development is proposed, is mapped as H3 Habitat. After site-specific surveys by the Permittee's biologist and the County Department of Regional Planning ("LA County Planning") Staff Biologist ("Staff Biologist"), the ERB recommended that the on-site habitat be remapped, which would result in approximately 0.8 acres of H3 Habitat, consisting of the graded pad and dirt driveway on the eastern portion of the Project Site, 0.7 acres of H1 Habitat, consisting of riparian habitat meadows on the central portion of the Project Site, and 8.9 acres of H2 Habitat.

B. Site Access

The Project Site is accessed by Delphine Lane, a 58-foot-wide private and future street immediately to the east.

C. Site Plan

The Permittee proposes construction of a new 9,021-square-foot single-family residence with an attached 872-square-foot carport, a 502-square-foot open cabana, a swimming pool, hardscaping, and landscaping. The residence would be located on the eastern portion of a 10-acre Project Site in the Santa Monica Mountains Coastal Zone and would have a maximum height of 30 feet above grade. A new OWTS would be located to the west of the new residence. The Project would result in a total building site of 14,800 square feet and 1,196 cubic yards of grading (330 cubic yards cut, 113 cubic yards fill, 217 cubic yards export, and 596 cubic yards overexcavation and recompaction). In accordance with the ERB's recommended remapping, the proposed development and all fuel modification areas are completely located within H3 and H2 Habitats. A total of 0.19 acres of fuel modification is proposed within H2 Habitat, and 0.20 acres of fuel modification is also proposed within an H1 Quiet Zone (100-200 feet from H1 Habitat). In addition, the location of a 10.2-acre vacant lot (Assessor's Parcel Number 4472-005-011) is depicted on Sheet A-0. This is an incentive lot that is proposed for dedication as open space in return for an increase in maximum building site area (see "Building Site Area" below).

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

8. AGENCY RECOMMENDATIONS.

- A. The Department of Public Health, in a letter dated December 24, 2018, recommended that the Project proceed to a public hearing with the condition that

the Project receive post-Coastal approval from said department. This has been added as a required condition of approval.

- B. The Department of Parks and Recreation, in a letter dated January 2, 2019, recommended that the Project proceed to a public hearing without conditions.
- C. The Fire Department, on January 9, 2019, recommended that the Project proceed to a public hearing without conditions. This clearance was issued through the County's electronic permit tracking system, EPIC-LA. No letter was provided.
- D. The Department of Public Works, in a letter dated August 22, 2019, recommended that the Project proceed to a public hearing with the conditions that future grading, drainage, and Low Impact Development plans be approved and that necessary state and federal waterway jurisdictional clearances be shown. Maintenance agreements and/or covenants for privately maintained drainage devices would also be necessary. These have been added as required conditions of approval.

9. CEQA DETERMINATION.

Staff recommended that this Project qualifies for a Categorical Exemption (Class 3—New Construction or Conversion of Small Structures and Class 4—Minor Alterations to Land) under 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. The Project qualifies for a Class 3 Categorical 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 which is involved with one single-family residence and accessory uses. The Project qualifies for a Class 4 Categorical Exemption because the Project includes 1,196 cubic yards of grading, hardscaping, and fuel management activities associated with a new single-family residence, including recompaction of an existing unstable pad.

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 cited herein. 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 as the biological assessment of the area of project disturbance does 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 Permittee completed a biological assessment that was reviewed by the Staff Biologist and the ERB. 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 new fuel modification and the proposed building site area, would not extend into H1 Habitat, which is described in the 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. Therefore, the Project is categorically exempt from CEQA.

GENERAL PLAN CONSISTENCY FINDINGS

10. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the LUP because the Rural Land 20 (1 dwelling unit per 20 acres) land use designation is intended for appropriately sized single-family residential uses on large lots. A single-family residence is permitted under this designation.
11. **GOALS AND POLICIES.** The Hearing Officer finds that the Project would be 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 the most level portion of the Project Site immediately adjacent to the existing private and future street. This will avoid the need to disturb natural vegetation or grade large amounts of earth to construct a driveway and other improvements on steep slopes further to the south. The fuel modification plan avoids

H1 Habitat. It would be infeasible to construct a single-family residence on the Project Site that would require no fuel modification within H2 Habitat, as this would limit construction to a 4,200-square-foot area at the eastern extremity of the 10-acre lot, with dimensions of approximately 35 feet by 120 feet. This brush thinning would not result in habitat removal, and no direct development is proposed within H2 Habitat or the H1 Quiet Zone. Reducing the footprint of the house by a moderate amount would result in a relatively negligible reduction of fuel modification within H2 Habitat.

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 tallest portions of the structure would be 30 feet above grade. The Project results in a total building site area of 14,800 square feet, which is greater than the 10,000 square feet normally allowed for residential development in H2 or H3 Habitat (County Code Section 22.44.1910 I). However, the maximum building site area for a Project may be increased to 15,000 square feet when an applicant voluntarily proposes and implements the retirement of all development rights on at least one lawfully created buildable parcel located in the Santa Monica Mountains Coastal Zone that is at least five acres in size and contains H2 Habitat (County Code Section 22.44.1420 D.2). In this case, the applicant has proposed to dedicate a 10.2-acre lot in fee title to the Mountains Recreation and Conservation Authority ("MRCA").

The single-family residence would be similar in character to other single-family residences in the vicinity. A residence of 9,021 square feet, while large, is comparable to other residences within the Delphine/Abercrombie subdivision, which range in size from 4,629 square feet to 10,547 square feet, with an average size of 8,166 square feet. The Project would utilize the most level portion of the Project Site adjacent to existing streets. This will avoid the need to remove native vegetation and grade steep slopes. The proposed physical development is contained entirely within the existing graded pad, in an area mapped as H3 Habitat by the LUP. The proposed location is the most appropriate site for development, as its location on the eastern portion of the Project Site is closest to existing infrastructure and farthest from mapped H1 and H2 habitats.

ZONING CODE CONSISTENCY FINDINGS

12. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the R-C-20 zoning classification, as a single-family residence is the principal permitted use in such zone with a CDP pursuant to County Code Section 22.44.1750. County Code Section 22.44.1620 requires a Minor CDP for projects proposing between 50 cubic yards and 5,000 cubic yards of grading. A Minor CDP is required because 1,196 cubic yards of grading is proposed.

13. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1375 and 22.44.1750, as the Project would meet all required setback standards, including the 20-foot front-yard setback, 15-foot rear-yard setback, and five-foot side-yard setback for all structures.
14. **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 single-family residence outside of a Scenic Resource Area in the Coastal Zone is 30 feet above grade, which is the maximum height of the proposed single-family residence.
15. **COLORS/MATERIALS.** The Hearing Officer finds that the Project would utilize construction materials that are appropriate for the surrounding area. Roofing materials are not glossy or reflective, and siding materials, including wood, stucco, and concrete, would utilize earth tones and no bright or white colors pursuant to County Code Section 22.44.1320.
16. **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 carport would be constructed as part of the Project.
17. **VEGETATION REMOVAL.** The Hearing Officer finds that the Project is consistent with the vegetation removal method requirements identified in County Code Section 22.44.1240. The requested Minor CDP is conditioned to prohibit the use of discing or other methods of clearance to bare earth within fuel modification areas, consistent with these requirements. The site plan associated with the Project depicts vegetation removal occurring only in areas where the single-family residence and associated hardscaping will be located and within the associated fuel modification zones. Mapped H1 Habitat would not be subject to fuel modification. The Project is also designed to ensure that the building site area, as much as possible, is located on the least steep portion of the Project Site within H3 Habitat.
18. **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, who found the Project, with modifications, to be consistent with local biological resources. These modifications include a best management practices plan, runoff control measures, retaining a biological monitor, screening the site and staking the grading limits, and preparing surveys and restoration plans for nesting birds, bats, and native trees. At its meeting on August 16, 2021, the ERB found that the Project, as modified, would not have an impact on biological resources. All of the ERB's recommended modifications have been included within the Project's conditions of approval. As per the ERB's recommendation, 7,400 square feet (0.17 acres) of mapped H3 Habitat, consisting of sage scrub immediately to the east of mapped H2 Habitat, is remapped as H2 Habitat. This results in a total of 0.73 acres of H1 Habitat, 8.91 acres of H2 Habitat, and 0.83 acres of H3 Habitat.

19. **GRADING REQUIREMENTS.** The Hearing Officer finds that the Project is consistent with the applicable grading requirements identified in County Code Section 22.44.1260. The Project is proposing 1,196 total cubic yards of grading, consisting of 330 cubic yards cut, 113 cubic yards fill, and 596 cubic yards overexcavation and recompaction. The Project is consistent with the applicable grading requirements because grading, including recompaction of the underlying unstable pad, would occur entirely on a level, previously graded area, and the Project is appropriately conditioned to restrict grading from initiating during the defined rainy season.
20. **EXTERIOR LIGHTING.** The Hearing Officer finds that the Project is consistent with the applicable exterior lighting requirements identified in County Code Section 22.44.1270. The Project is proposing minimal outdoor lighting that would be appropriately shielded per LIP standards. The Project is appropriately conditioned so that all exterior lighting remains consistent with County Code Section 22.44.1270.
21. **FENCES AND WALLS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1310. Fences in the Santa Monica Mountains Coastal Zone must be wildlife permeable unless they are within Fuel Modification Zone “A,” which typically extends 20 feet from habitable structures. All proposed fencing would be within this zone, with the exception of pool safety fencing that is required by state law.
22. **BUILDING SITE AREA.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1910.I and 22.44.1420 D.2, which refer to the maximum allowable building site area. The Project results in a total building site area of 14,800 square feet, which is greater than the 10,000 square feet normally allowed for residential development in H2 or H3 Habitat. However, the maximum building site area for a Project may be increased to 15,000 square feet when an applicant voluntarily proposes and implements the retirement of all development rights on at least one lawfully created buildable parcel located in the Santa Monica Mountains Coastal Zone that is at least five acres in size and contains H2 Habitat (County Code Section 22.44.1420 D.2). In this case, the Permittee has proposed to dedicate a 10.2-acre lot in fee title to the MRCA (Assessor’s Parcel Number 4472-005-011) as depicted on Sheet A-0 of the Exhibit “A.” A condition of approval requires that said lot, or a similar lot to be determined by the Director of LA County Planning, be dedicated and transferred in fee title to a public entity prior to the Project’s final approval.
23. **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, as well as the areas of brush clearance, are designated as H3 and H2 Habitat by the LUP. While mapped H1 Habitat is located to the west of the Project Site, no new fuel modification will be required within this area, per the plan approved by the Fire Department.

Development within H2 Habitat is permitted when it is the most appropriate location and no feasible site within H3 Habitat is available. While the entirety of the residence would be located in H3 Habitat, some fuel modification would be located within H2

Habitat. It would be infeasible to construct a single-family residence on the Project Site that would require no fuel modification within H2 Habitat, as this would limit construction to a 4,200-square-foot area at the eastern extremity of the 10-acre lot, with dimensions of approximately 35 feet by 120 feet. This brush thinning would not result in habitat removal, and no direct development is proposed within H2 Habitat. Reducing the footprint of the house by a moderate amount would also result in a relatively negligible reduction of fuel modification within H2 Habitat. This is partially due to the remapping of 0.17 acres of H3 Habitat to H2 Habitat, per the ERB's recommendation.

Approximately 0.20 acres of fuel modification is also proposed within an H1 Quiet Zone (100-200 feet from H1 Habitat). Per the requirements of the LIP, non-irrigated fuel modification required by the Fire Department for lawfully established structures is a permitted use within the H1 Quiet Zone (County Code Section 22.44.1890 E)

The Project would result in 0.19 acres of fuel modification within H2 Habitat. 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 LA County Planning at a later date, but before grading and construction can occur.

24. **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 PERMIT FINDINGS

25. **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 Local Coastal Program, which includes the LUP and LIP, including those standards related to permitted uses, building site area, habitat categories, height restrictions, and required yards.
26. **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 between the ocean and the nearest public road, so coastal access requirements do not apply.

ENVIRONMENTAL FINDINGS

27. 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 pertains to the proposed fuel modification and grading.

ADMINISTRATIVE FINDINGS

28. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on March 26, 2024. The hearing was continued to May 21, 2024 and then to June 25, 2024 in order for the applicant to post story poles on the Project Site at least 30 days prior to the hearing date, pursuant to the requirements of the LIP. At the June 25, 2024 continued public hearing, the hearing officer closed the hearing and approved the Project.

29. **LEGAL NOTIFICATION.** The Hearing Officer finds that pursuant to County Code Section 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 **February 8, 2024**, a total of **56** 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 20 to those on the courtesy mailing list for the Santa Monica Mountains Planning Area and to any additional interested parties. In addition, story poles indicating the elevation of all parts of the structure were erected at the Project Site on **May 21, 2024**, pursuant to the LIP requirements (County Code Section 22.44.1440).

30. **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:

- 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. RPPL2024000683** subject to the attached conditions.

PROJECT NO. 2018-004229-(3)

MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2024000683

FINDINGS

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ACTION DATE: June 25, 2024

MG:ER:RG:TM

06/25/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2018-004229-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2024000683**

PROJECT DESCRIPTION

The project is a Minor Coastal Development Permit ("Minor CDP") to construct a new single-family residence located on a 10-acre property in the Santa Monica Mountains Coastal Zone subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("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 Section 22.44.1090 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 10 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 **\$1,323.00**. 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 by Zoning Enforcement Staff three years after final approval, followed by two biennial (once every two years) inspections**. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for

additional inspections shall be \$441.00 per Zoning Enforcement inspection, \$298.00 per Staff Biologist 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 Sections 22.44.1130 and/or 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 ("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 **August 26, 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. The building site area, as defined in the County Code Section 22.44.630, shall be limited to 14,800 square feet.
17. Prior to the issuance of building permits, the permittee shall obtain a "Post Coastal Commission Approval of Onsite Wastewater Treatment System" from the County Department of Public Health ("Public Health") Environmental Health Division and a will-serve letter from the local water purveyor with all conditions met, to the satisfaction of Public Health.

18. The permittee shall comply with all conditions set forth in the attached Public Works letter dated August 22, 2019, to the satisfaction of said department.
19. The exterior colors of all structures shall be earth-toned and shall not include bright or white tones. No glossy or reflective materials are permitted for exterior construction, other than glass, which shall be the least reflective variety available.
20. 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, 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 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 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 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 the CDP conditions, consistent with the exceptions detailed in this condition. Recordation of said easement on the Project Site shall be permanent.

21. Exterior lighting shall comply with the provisions of County Code Section 22.44.1270 in order to avoid light trespass.
22. Equipment for grading, construction, and fuel modification shall be pressure-washed before transport to the property to remove dirt and any invasive plant propagules. Contractors for grading and construction shall be informed of a policy to pressure-wash equipment before transport to the site to remove any encrusted soil and/or plant propagules from the undercarriage, chassis, wheel wells or other parts and that the biological monitor required by condition 32 will be checking equipment at entry to the site. Contractors shall be informed of the requirement to supply drip pans to be placed under all construction vehicles when parked on the site. The biological monitor shall have authority to check entering construction equipment and send out for washing any equipment with encrusted dirt and/or plant propagules in the undercarriage, chassis, wheel wells or other parts. The biological monitor shall report on the procedures to check equipment washing and results. The biological monitor shall report on whether the contractor has supplied drip pans to be placed under stationary equipment and other parked vehicles. The biological monitor shall report on these procedures and results in the initial project reports to LA County Planning.
23. 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 should be implemented during the rainy season or prior to rain events.
24. 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.
25. 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 the nearby stream, or be placed where it may be washed by rainfall or runoff into the nearby stream.
26. The permittee's contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.
27. 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.
28. 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.
29. The permittee's contractor shall make available at the 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).

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 prunings 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 the tree height for trees less than 18 feet tall, or up to six feet maximum for trees 18 feet and taller.
31. Glass 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.
32. 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 California Department of Fish and Wildlife ("CDFW") at their request.
33. 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.
34. 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 of CDFW's defined nesting season (generally February 1 to August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within seven days prior to, and again within three days prior to, the date that activities are scheduled to begin. The biologist shall focus efforts within the grading area, development area, the fuel modification zones, the driveway area, and areas within 50 feet of them. The biologist shall also survey 300 feet beyond these areas, as access allows.
- b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys, beginning 30 days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of project activities. If a protected native bird is found in suitable nesting habitat, all project activities within 300 feet of on- and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent to these areas, they should establish appropriate buffer zones, as defined in "c" below.
- c. If an active nest is found, regardless of time of year, project activities within 300 feet of the nest, or within 500 feet of raptor nests, or within a distance 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 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 where 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 any activities are affecting, or have 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.
- 35. 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.
- 36. Fuel modification shall occur on the Project Site after or concurrently with the construction phase of the proposed project, as directed by the Fire Department.
 - a. A qualified biologist shall implement the Nesting Bird Survey and Protection Plan before fuel modification occurs.
 - b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.
 - c. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.
- 37. The project shall provide mitigation for 0.19 acres of non-irrigated fuel modification of H2 Habitat through the Resource Conservation Program ("RCP"), if such program is valid and in effect, or shall otherwise provide mitigation through restoration 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 a certificate of occupancy for the project. 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. The habitat restoration or enhancement shall be completed prior to or concurrently with construction of the project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of certificate of occupancy for any portion of the project.

38. Any future development on the subject property or improvements to the approved development shall require a CDP amendment or new CDP. Prior to final approval, the permittee shall provide evidence of the recordation of a deed restriction against the property, free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed. The Director shall approve the text of the deed restriction reflecting this future improvement restriction. The deed restriction shall apply to the entirety of the Project Site, and shall insure that any future structures, future improvements, or change of use to the permitted structures authorized by the CDP, including but not limited to, any grading, clearing or other disturbance of vegetation, shall require the approval of an amendment to the CDP or the approval of an additional CDP, and that the exemptions otherwise provided in subsections A.1 or A.2 of County Code Section 22.44.820 shall not apply. The permittee shall provide evidence that the deed restriction appears on a preliminary report issued by a licensed title insurance company for the Project Site.
39. Prior to final approval of this project, the permittee shall retire all development rights on one or more lawfully-created, buildable parcel(s) that total at least five acres in size, contain habitat designated as H2, and are located in the Santa Monica Mountains Coastal Zone. This shall be done through open space deed restriction and transfer in fee title to a public entity, per the requirements of County Code Section 22.44.1230 F. The permittee shall provide evidence of fee title or development rights on one or more donor sites that have not been previously retired or otherwise restricted, and the recordation of an open space deed restriction, recorded free of prior liens including tax liens and encumbrances with the Director determines may affect the interest being conveyed, that applies to the entirety of the donor site(s), that insures the future development on the lot(s) is prohibited and that restrictions are enforceable. The permittee shall also provide evidence that fee title to the donor site(s) has been successfully transferred to a public entity acceptable to the Director—such as the Mountains Recreation and Conservation Authority—after the recordation of the deed restriction listed above and that the document effectuating the conveyance has been recorded with the County Recorder. The permittee shall provide evidence acceptable to the Director and County Counsel that the ownership transfer and the open space deed restriction appear on a preliminary report issued by a licensed title insurance company for the donor site(s).
40. 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: Public Works letter dated August 22, 2019 (Refers to previously assigned permit number RPPL2018006646)



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>

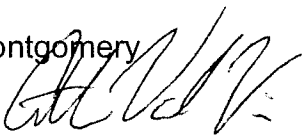
ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

August 22, 2019

TO: Rob Glaser
Coastal Permits Section
Department of Regional Planning

Attention Tyler Montgomery

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

RPPL2018006646 (CDP)
2025 DELPHINE LANE
ASSESSOR'S MAP BOOK 4455, PAGE 60, PARCEL 9
UNINCORPORATED COUNTY COMMUNITY OF CALABASAS

Thank you for the opportunity to review the Coastal Development Permit (CDP) associated with the subject project. The project proposes the construction of a new single-family residence.

- ☒ Public Works recommends that the conditions shown below be applied to this 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.

1. Building and Safety

1.1 Prior to the issuance of a Certificate of Occupancy:

- 1.1.1 Submit a grading/drainage plan to Public Works, Building and Safety Division, Calabasas Office, for review and approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, and elevation and drainage of

all pads, retaining walls, the water quality devices, and Low Impact Development (LID) features, and all existing easements.

- 1.1.2 Comply with LID Standards in accordance with the LID Standards Manual which can be found at <https://pw.lacounty.gov/idd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf>.
- 1.1.3 Provide maintenance agreement/covenant for privately maintained drainage devices.
- 1.1.4 Submit offsite drainage acceptance covenants if justification is not provided that the outlet of concentrated flows have zero net effect at the property line.
- 1.1.5 Obtain soil/geology approval of the grading plan from Public Works Geotechnical and Materials Engineering Division.
- 1.1.6 Obtain Fire Department approval of the grading plan.

For questions regarding the Building and Safety Conditions, please contact RaChelle Taccone of Public Works, Building and Safety Division Calabasas Office at (818) 880-4150 or rtaccone@pw.lacounty.gov.

If you have any questions or require additional information, please contact Ed Gerlits of Public Works, Land Development Division at (626) 458-4953 or egerlits@dpw.lacounty.gov.

JDC:

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CDP\RPPL2018006646\DPW_Cleared_2019-08-22_RPPL2018006646.docx