

April 23, 2025

Keystone Strategic Planning
ATTN: Martin Rasmussen
4859 W. Slauson Ave. #753
Los Angeles, CA 90056

PROJECT NO. 2017-003699-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017008418
21653 SADDLE PEAK ROAD, TOPANGA (APN 4448-019-043)

Dear Applicant:

Hearing Officer Steven Jareb, by his action of **April 22, 2025**, 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 **May 6, 2025**. 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. Martin Rasmussen
April 23, 2025
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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



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:TM

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

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

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2017-003699-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017008418**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing on February 25, 2025, April 1, 2025, and April 22, 2025 in the matter of Project No. 2017-003699-(3), Minor Coastal Development Permit No. RPPL2017008418 ("Minor CDP").
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on February 25, 2025. The Minor CDP was continued without opening the public hearing to April 1, 2025 due to disruptions in the area caused by the Palisades Fire. It was subsequently continued without opening the public hearing to April 22, 2025 due to a request by the applicant. At the continued public hearing on April 22, 2025, Staff gave a brief presentation recommending approval of the Minor CDP. The applicant spoke in favor of approving the Minor CDP. The Hearing Officer subsequently closed the public hearing and approved the Minor CDP.
3. **ENTITLEMENT(S) REQUESTED.** The applicant, Martin Rasmussen ("Permittee"), requests a Minor CDP to construct a new 2,825-square-foot single-family residence, a 688-square-foot detached garage, and an onsite wastewater treatment system (OWTS) with 733 cubic yards of grading ("Project") on a 6.45-acre property located at 21653 Saddle Peak Road, Topanga, 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 0.83 acres of H3 Habitat, 4.09 acres of H2 Habitat, and 1.55 acres of H1 Habitat.
4. **ENTITLEMENT(S) REQUIRED.** The Minor CDP is a request to construct a new single-family residence, accessory structures, and improvements, including a new OWTS, in the R-C-10 (Rural Coastal—10 Acre Minimum Required Lot Area) Zone within the Santa Monica Mountains Coastal Zone pursuant to Los Angeles County Code ("County Code") Section 22.44.810. Per the requirements of the Santa Monica Mountains Local Implementation Program ("LIP"), an Administrative CDP is required for installation of a new OWTS (County Code Section 22.44.820) and a Minor CDP is necessary for any project requiring review by the ERB (County Code Sections 22.44.860 and 22.44.940). Because the Project proposes development less than 200 feet from H2 Habitat, ERB review is required (County Code Section 22.44.1860). A Minor CDP is also 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). The Project proposes 762 cubic yards of grading (237 cubic yards cut, 525 cubic yards fill, 287 cubic yards export). Thus, a Minor CDP is required for all the activities involved with this request.

5. **LAND USE DESIGNATION.** The Project Site is located within the RL10 (Rural Land—One dwelling unit per 10 acres maximum density) land use designation of the Santa Monica Mountains Local Coastal Program Land Use Policy Map.
6. **ZONING.** The Project Site is located in the Santa Monica Mountains Planning Area and is zoned R-C-10. Pursuant to County Code Section 22.44.1750, a single-family residence and its accessory structures is the principal permitted use within the R-C Zone. However, County Code Section 22.44.860 requires a Minor CDP for any development that requires ERB review, which the Project does, and 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).

7. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 6.45 gross acres in size and consists of one legal lot. The property is irregularly shaped and consists mostly of sloping terrain, with steeper slopes located on its eastern portion. An existing graded pad of approximately 10,000 square feet and a 20-foot-wide, 160-foot-long paved access driveway is located on its western portion. These were developed legally as part of Parcel Map 20845 and Conditional Use Permit 89-325, which were approved in 1998. On-site vegetation consists of previously cleared areas on the far western portion of the Project Site, native chaparral on the southeastern portion, oak woodland following a drainage course from the central to northeastern portions, and laurel sumac scrub on the remainder of the Project Site. The Project Site includes areas mapped as H1 Habitat (1.39 acres) H2 Habitat (3.36 acres) and H3 Habitat (0.99 acres) within the Santa Monica Mountains Land Use Plan (“LUP”). However, the ERB has proposed remapping that results in 0.83 acres of H3 Habitat, 4.09 acres of H2 Habitat, and 1.55 acres of H1 Habitat. In general, areas mapped as H3 Habitat include previously cleared and/or graded areas on the southwestern portion of the Project Site. Laurel sumac scrub and chaparral areas on the central and southeastern portions of the Project Site are mapped as H2 Habitat, while oak woodland habitat on the central and northeastern portions of the Project Site is mapped as H1 Habitat.

B. Site Access

The lot would be accessed from Saddle Peak Road, a 60-foot-wide (paved width of 25 feet) limited secondary highway and designated scenic route to the north, by an existing paved 20-foot-wide shared driveway with a length of 750 feet. As part of the Project, a portion of the driveway on the parcel immediately to the north would be lengthened by approximately 30 feet in order to meet the standards for Fire Department access.

C. Site Plan

The Permittee proposes the construction of a 2,825-square-foot single-family residence on the southwestern edge of the 6.45-acre Project Site. The two-story residence would have a maximum height of 18 feet above grade and would be

terraced into a downward slope. A paved rear patio and on-site fire department turnaround are also proposed. A total of 762 cubic yards of earth is proposed (237 cubic yards cut, 525 cubic yards fill, 287 cubic yards export). The Project would also include retaining walls and stairways on a total building site of approximately 9,990 square feet. A new OWTS with two seepage pits would be located 20 feet to the southwest of the residence. Drainage structures are also proposed to the northwest of the residence. The Project would not require any fuel modification within H1 Habitat, as all H1 Habitat is outside of the 200-foot fuel modification radius per the approved Fire Department plan. If the recommended habitat remapping is approved, the Project would result in 1.44 acres of fuel modification within the H2 Habitat (0.79 acres irrigated, 0.65 acres non-irrigated), and 0.06 acres of fuel modification within the H1 Habitat Buffer Zone (0-100 feet from H1 Habitat).

8. **PUBLIC COMMENTS.** Staff did not receive any public comments regarding the Project as of the date of the Report to the Hearing Officer.

9. **AGENCY RECOMMENDATIONS.**

- A. County Department of Parks and Recreation: Recommended clearance to public hearing with no conditions in a letter dated October 10, 2018.
- B. County Fire Department ("Fire Department"): Recommended clearance to public hearing with no conditions in a letter dated October 18, 2018.
- C. County Department of Public Works ("Public Works"): Recommended clearance to public hearing with no conditions in a letter dated November 8, 2018.
- D. County Department of Public Health: Recommended clearance to public hearing with no conditions in a letter dated January 19, 2019.
- E. County Environmental Review Board ("ERB"): Recommended clearance to public hearing with conditions at a meeting held on June 23, 2023. The ERB conditions have been included within the Project's conditions of approval.

10. **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 properly noticed and case materials were available on LA County Planning's website. On January 23, 2025, a total of 49 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 22 notices to those on the courtesy mailing list for The Malibu Zoned District and additional interested parties.

11. **CEQA DETERMINATION.** The 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 guidelines.

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

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Categorical Exemption includes grading on land of less than 10 percent slope which is associated with one single-family residence and accessory uses. The Project qualifies for a Class 4 Categorical Exemption because the Project includes 733 cubic yards of grading, driveway construction, and fuel management activities associated with the construction of a new single-family residence.

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

The Permittee completed a biological assessment that was reviewed by the Staff Biologist and the ERB. The Staff Biologist conducted a site visit and confirmed that the Project Site was appropriately mapped and agreed with the contents of the biological assessment. The biological assessment determined that that no portion of the Project Site proposed for development contains any environmental resources of hazardous or critical concern, nor do they contain any plants or animals listed as federal, state, or locally sensitive designation, and they are not considered particularly sensitive environments. The Project, with a maximum height of 18 feet above grade, is not expected to impact scenic resources such as the designated scenic highway. 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 with 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

12. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the LUP because the RL10 land use designation is intended for single-family residences and accessory uses on relatively large lots. A single-family residence and its accessory uses are permitted under this designation.
13. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following policies of the LUP:

*Conservation & 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 an existing graded pad on the southwestern portion of the Project Site, immediately adjacent to an existing paved access driveway and within the brush clearance zones of adjacent single-family residences to the south and west. This location will avoid the need to remove large areas of native vegetation and grade large volumes of earth. It is also the location that is farthest from H1 Habitat on the central portion of the Project site, and it will avoid all development, including fuel modification, within H1 Habitat.

*Conservation & Open Space Element
Policy CO-110:*

The height of structures shall be limited to minimize impacts to scenic resources.

Policy CO-131:

Site and design new development to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, berming.

*Land Use Element
Policy LU-33:*

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

Policy LU-38:

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

The Project Site is within a Scenic Resource Area, as it is visible from Saddle Peak Road to the north, which is a designated scenic highway. The tallest portions of the structure would be the 18 feet above, and the majority of the Project's grading (733 cubic yards) would be associated with necessary improvements to the access driveway to the north. The proposed location of the Project, which is immediately adjacent to an existing paved access driveway, is within the existing fuel modification zones of residences to the south and west. The Project would be compatible with the rural character as well as other single-family residences in the vicinity and compares favorably to them in terms of height and bulk. It has a smaller floor area (2,825 square feet) than many other residences within a 700-foot radius, and its 9,990-square-foot building site area is less than the 10,000-square-foot maximum permitted for a single-family residence in the LIP (County Code Section 22.44.1910.I).

ZONING CODE CONSISTENCY FINDINGS

14. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the R-C-10 zoning classification as a single-family residence—including its accessory structures—is a principal permitted use in such zone with an Administrative CDP pursuant to County Code Section 22.44.1750. A Minor CDP is necessary for any project requiring review by the ERB (County Code Sections 22.44.860 and 22.44.940). Also, a Minor CDP is also 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). Since the Project requires ERB review and proposes 733 total cubic yards of grading, a Minor CDP is required instead of an Administrative CDP.
15. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1750, as the Project would meet all required setback standards.
16. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.2040. The maximum height for a single-family residence within an SRA in the Santa Monica Mountains Coastal Zone is 18 feet above grade, which is the maximum height of the proposed single-family residence.
17. **COLORS/MATERIALS.** The Hearing Officer finds that the Project would utilize construction materials that are appropriate for the surrounding area. Building materials, including wood, stucco, and concrete, would utilize earth tones and no bright or white colors pursuant to County Code Section 22.44.1320.
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 included retaining a biological monitor, a best

management practices plan, screening the Project Site and staking the grading limits, preparing surveys and restoration plans for nesting birds, bats, and native trees, and runoff control measures. At its meeting on June 23, 2023, 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.

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 proposed grading is estimated to be 762 cubic yards of grading (237 cubic yards cut, 525 cubic yards fill, 287 cubic yards export), the majority of which would be associated with necessary improvements to the access driveway to the north. The Project is appropriately conditioned to prohibit grading during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.
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. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified for development in the R-C-10 Zone (County Code Section 22.44.1750). Because the Project Site exceeds one acre in area, no covered parking spaces are required. However, two covered parking spaces would be provided within a 688-square-foot detached garage.
22. **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 for mandated safety purposes or within Fuel Modification Zone "A," which typically extends 20 feet from habitable structures. No fences or separate walls are proposed.
23. **BUILDING SITE AREA.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1910.I, which refers to the maximum allowable building site area. The total building site area of 9,990 square feet is less than the maximum building site area of 10,000 square feet. There is no expansion of the underlying graded pad, which was previously approved as part of Parcel Map 20845 and Conditional Use Permit 89-325 in 1998.
24. **SCENIC RESOURCE AREA.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.2040, which refers to the standards for an SRA. The Project Site is visible from Saddle Peak Road, a designated scenic route. As a result, per Section 22.44.2000 of the County Code, the Project Site is within a Scenic Resource Area. Developments that are located within an SRA must meet a variety of development standards, including a height limit of 18 feet above grade, utilizing materials and colors compatible with the surrounding landscape, breaking up structural mass, and minimizing grading and retaining walls. The design of

the residence would meet all of these standards, as indicated by the submitted elevations, story poles, and grading plans.

25. HABITAT CATEGORIES. The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. While the proposed location of the residence would be entirely within H3 Habitat, areas of ancillary development and fuel modification located 200 feet in all directions are designated as H2 Habitat. H1 Habitat, consisting of undisturbed oak woodland to the east, is more than 200 feet away and would not be subject to fuel modification, per the preliminary fuel modification 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 residence is relatively small and would be located as far as possible from H1 Habitat, the relatively small area of the of H3 Habitat (200 feet by 100 feet) and mandated fuel modification makes this encroachment unavoidable. As a result, 0.72 acres of fuel modification would occur within H2 Habitat. A project that requires a CDP and is located less than 200 feet from any H2 or H1 Habitat must have a biological assessment prepared and reviewed by the ERB. The ERB found that the Project, with conditions, would be compatible with biological resources.

While the entirety of Project development would be H2 or H3 Habitat, some fuel modification (0.05 acres) would be within an H1 Habitat Buffer Zone (0-100 feet from H1 Habitat). Per the requirements of the LIP (County Code Sections 22.44.1890.D and 22.44.1890.E), development may be permitted within the H1 Habitat Buffer when all of the following apply:

- a. The Project Site is on a lawfully created parcel;
- b. The development is the minimum necessary to provide the landowner a reasonable economic use of the property, and in no case shall it exceed the maximum standards provided in County Code Sections 22.44.1910 and 22.44.1920;
- c. There is no other feasible alternative building site location that can avoid the H1 Habitat Buffer or H1 Quiet Zone;
- d. The maximum feasible buffer width is provided between the development and the H1 Habitat area;
- 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 effects.

The Project's proposed location on the southwestern edge of the Project Site is the most appropriate site for development because it is the farthest feasible distance from mapped H1 Habitat to the north. Further, the design of the residence places habitable structures on the western portion of the graded pad, which provides for the smallest required fuel modification within H1 Habitat Buffer Zone. Therefore, the western portion of the existing H3 Habitat area on the southwestern edge of the Project Site is the most appropriate location for development. Due to the proximity of H1 Habitat, any attempt

to develop the Project Site without fuel modification in the H1 Habitat Buffer Zone would render approximately half of the existing graded pad (about 4,200 square feet) unusable.

The Project would result in 1.44 acres of fuel modification within the H2 Habitat (0.79 acres irrigated, 0.65 acres non-irrigated). Therefore, a condition of Project approval requires the impact to be mitigated through an in-lieu fee 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.

26. **ONSITE WASTEWATER TREATMENT SYSTEM (“OWTS”) STANDARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1340, which prohibits OWTS leach fields or seepage pits within 50 feet of the dripline of any oak or other native tree or within 150 feet of any stream.
27. **SIGNIFICANT RIDGELINE.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.2040. The Project Site is not located within 50 feet (vertical or horizontal) of a designated Significant Ridgeline.
28. **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

29. **The Hearing Officer finds that the proposed development is in conformity with the certified local coastal program.** The Project, as conditioned, would comply with all applicable development standards for residences in the Santa Monica Mountains Local Coastal Program, which includes the LUP and LIP, including those standards related to permitted uses, habitat preservation, fences and walls, biological resources, building site area, habitat categories, and height restrictions.
30. **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 are not applicable.

ENVIRONMENTAL FINDINGS

31. The Hearing Officer 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 section 15304 (Class 4, Minor Alterations to Land Categorical Exemption). The Class 3 Categorical Exemption specifically pertains to a single-family residence and its appurtenant structures, while the Class 4 Categorical Exemption specifically pertains to the proposed fuel modification and grading.

ADMINISTRATIVE FINDINGS

32. 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 proposed development is in conformity with the certified local coastal program.
- B. 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) and 15304 (Class 4, Minor Alterations to Land) Categorical Exemptions; and
- 2. Approves **MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017008418**, subject to the attached conditions.

ACTION DATE: April 22, 2025

MG:RG:TM
04/23/25

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2017-003699-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017008418**

PROJECT DESCRIPTION

The project is a Minor Coastal Development Permit ("Minor CDP") to construct a new 2,825-square-foot single-family residence and a 688-square-foot detached garage located on a 6.45-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 County Code Section 22.44.1090.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 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 or 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 **\$456.00**. 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 after three years have elapsed (April 22, 2028)**. Inspections shall 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 \$456.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to County Code 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 **June 23, 2025**.
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 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.

- 17. The building site area, as defined in County Code Section 22.44.630, shall be limited to an area no greater than 9,990 square feet.
- 18. 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.
- 19. Exterior lighting shall comply with the provisions of County Code Section 22.44.1270 in order to avoid light trespass:
 - a. Lighting allowance
 - i. Security lighting attached to the principally permitted structure and other permitted accessory structures that is controlled by motion detectors and shall have a manufacturer's maximum output rating of no greater than 60 watts (600 lumens), or the equivalent.
 - ii. The minimum lighting necessary shall be used to light walkways used for entry and exit to permitted structures, including parking areas, on the site.

This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and have a manufacturer's maximum output rating of no greater than 60 watts (600 lumens), or the equivalent.

- iii. Lighting for permitted confined animal facilities shall be consistent with the requirements of Section 22.44.1920 and limited to:
 - (a) Necessary security lighting attached to a barn or storage structure that is controlled by motion detectors and has a manufacturer's maximum output rating of no greater than 60 watts (600 lumens), or the equivalent; and
 - (b) Arena or round pen lighting by bollard or fence-mounted fixtures that do not exceed four feet in height and has the minimum output rating necessary to achieve the purpose while avoiding adverse impacts on scenic resources and illumination of H1 and H2 habitat (including H2 habitat buffer);
 - iv. For properties located in a R-C, R-1, R-3, R-R, O-S or OS-P zone, outdoor light fixtures installed more than 15 feet above finished grade shall have a manufacturer's maximum output rating of no greater than 40 watts (400 lumens).
 - b. Light trespass. Outdoor lighting shall be minimized, directed toward the targeted area(s) only, and avoid light trespass onto non-target areas, including but not limited to H1 and H2 habitat areas and the H1 habitat area buffer. Lighting of equestrian arenas or round pens may only be allowed where it is demonstrated, pursuant to a site-specific evaluation and photometric analysis, that the lighting will cause no light trespass into any adjacent H1 and H2 habitat areas, including the 100-foot H1 habitat buffer.
 - c. Shielding. Outdoor lighting shall be fully shielded, directed downward, and use best available dark skies technology.
20. Prior to issuance of building or grading permits, the permittee shall provide a grading plan and drainage report that shall include proposed site design and source-control best management practices to minimize post-construction runoff and infiltrate, at minimum, the first 0.75 inches of a rainfall event. This plan shall show all proposed drainage improvements, such as locations of infiltration basins, as well as methods to convey runoff from impervious surfaces into permeable areas of the property (i.e. rain gardens or bioswales) in a non-erosive manner, methods to maximize the ability of native substrates to retain and infiltrate runoff, and placement of cisterns or rain barrels for stormwater capture. This plan shall be to the satisfaction of the Director.
21. 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 the tree height, or up to six feet maximum for trees 18 feet and taller.

22. 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.
23. 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.
24. 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.
25. 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 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 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.

26. 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.
27. 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 & 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.
28. The Project shall provide mitigation for 1.44 acres of fuel modification within the H2 Habitat through the Resource Conservation Program ("RCP"), if such program is valid and in effect, or shall otherwise provide mitigation through payment of a Habitat Impact Fee or restoration pursuant to County Code Section 22.44.1950. 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, grading or construction for the Project. As an alternative to payment of the Habitat Impact Fee, the Director may 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 of LA County Planning. The habitat restoration or enhancement shall be completed prior to grading or construction of the Project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to grading or construction for any portion of the Project. A notification flag shall be placed in the EPIC-LA permitting system alerting DPW of this condition.
29. 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.

30. 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.
31. Plumbing shall be prohibited within the detached garage.