

July 17, 2024

Schmitz and Associates
ATTN: Arfakhashad Munaim
28230 Agoura Rd., Suite 200
Agoura Hills, CA 91301

PROJECT NO. 2020-000089-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2020006422
26066 MULHOLLAND HIGHWAY, CALABASAS (APN 4455-048-010)

Dear Mr. Munaim:

The Hearing Officer, by her action of **July 16, 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 30, 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.

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

Schmitz and Associates

July 17, 2024

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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. PRJ2020-000089-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2020006422**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing on **July 16, 2024** in the matter of Project No. PRJ2020-000089-(3), Minor Coastal Development Permit No. RPPL2020006422 (“Minor CDP”).
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on July 16, 2024. Department of Regional Planning Staff (“Staff”) gave a presentation recommending approval of the Minor CDP. The applicant’s representatives testified in favor of the project but requested that an unpermitted wooden footbridge—which was recommended for removal by Staff—be allowed to remain. The Hearing Officer, Ms. Diane Temple, subsequently closed the public hearing and approved the Minor CDP with a condition of approval requiring removal of the footbridge.
3. **ENTITLEMENT(S) REQUESTED.** The applicant, Arfakhashad Munaim (“Permittee”), requests the Minor CDP for the removal of several unpermitted structures that encroach into the protected zones six oak trees, as well as the retroactive approval of a swimming pool, a wooden footbridge, and a 12-foot-wide, 130-foot-long driveway spur that encroaches into the protected zones of nine oak trees, which are all associated with an existing 6,827-square-foot single-family residence on a 2.5-acre lot located at 26066 Mulholland Highway (Assessor’s Parcel Number 4455-048-010) (“Project Site”) in the Santa Monica Mountains Coastal Zone (“Project”). Three of the nine oak trees that would be encroached upon by the driveway would also be encroached upon by a deck and a retaining wall that are accessory to the swimming pool. The structures proposed for removal, which are located to the northwest of the existing residence, include a 1,200-square-foot concrete sports court and a 180-square-foot rock pond. The existing driveway spur and wooden footbridge are located to the north of the residence, while the swimming pool is located to the west of the residence. The sports court, rock pond, and footbridge are within H1 Habitat, while the driveway spur and swimming pool are located within H3 Habitat and the H1 Habitat Buffer Zone.
4. **ENTITLEMENT(S) REQUIRED.** The Minor CDP is a request to remove unpermitted structures and to retroactively approve a swimming pool, a footbridge, a and driveway spur, which are all associated with an existing single-family residence 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. Encroachment into the protected zones of six oak trees would

occur during the removal of unpermitted structures, while the driveway and swimming pool encroach into the protected zones of nine oak trees (15 encroachments total).

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 a principal permitted use within the R-C Zone. A condition of approval for a previously issued CDP for the Project Site (CDP 5-87-409) requires a new CDP for any development not authorized by the original permit. Per the requirements of the Santa Monica Mountains Local Implementation Program (“LIP”), a Minor CDP is required for any oak tree removals or encroachments, as proposed by the Project (County Code Section 22.44.950).

7. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 2.5 gross acres in size and consists of one legal lot, which is irregular in shape. The Project Site is accessed from Mulholland Highway, a 75-foot-wide scenic highway, to the north, and from the Calabasas-Cold Creek Trail immediately to the east, which places it within a Scenic Resource Area (“SRA”). An existing 6,827-square-foot single-family residence and a 750-square-foot guest house are located on the southeastern portion of the Project Site, which is accessed by a 700-foot-long, 20-foot-wide paved private driveway. An additional 130-foot-long, 12-foot-wide driveway spur runs from this driveway westward, providing access to the front of the residence and a swimming pool. The existing residence was approved by CDP 5-87-409, which was issued by the Coastal Commission on June 12, 1987. A 1,200-square-foot concrete sports court, a 180-square-foot rock pond, and a 200-square-foot wooden footbridge to the north of the residence were not authorized by the CDP and were built without permits. The driveway spur was not authorized by the CDP, although the County issued grading and building permits for it between 1990 and 1992. A swimming pool was authorized by the CDP, although the approved location—which would have placed it within an existing streambed—is approximately 100 feet northwest of where it was ultimately built. The County issued building permits for it in 1991. The driveway spur and swimming pool are located within H3 Habitat and the H1 Habitat Buffer Zone.

B. Site Access

The Project Site is accessed by Mulholland Highway, a 75-foot-wide scenic highway to the north, via an existing 840-foot-long private driveway that traverses three other properties.

C. Site Plan

The Permittee proposes the removal of the unpermitted 1,200-square-foot sports court and the unpermitted 180-square-foot rock pond to the north of the existing

6,827-square-foot single-family residence, as well as habitat restoration of these areas. The unpermitted wooden footbridge to the north of the residence is proposed to remain in place. However, County Department of Regional Planning (“LA County Planning”) staff (“Staff”) recommended removal of this footbridge. All of these structures are located within mapped H1 Habitat. The removal of the unpermitted structures would result in temporary encroachments into the protected zones of six oak trees. The 130-foot-long, 12-foot-wide paved driveway spur immediately to the north of the residence, as well as a swimming pool to the west of the residence, are proposed for retroactive approval. These structures total approximately 4,700 square feet and encroach into the protected zones of nine oak trees. Neither structure was approved as part of the original CDP for the residence, although the County issued building permits for these structures between 1990 and 1992. Both structures are located within H3 Habitat and the H1 Habitat Buffer Zone (zero to 100 feet from H1 Habitat). The Project does not require any new fuel modification.

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 on September 29, 2020. This clearance was issued through the County’s electronic permit tracking system, EPIC-LA. No letter was provided.
- B. County Department of Public Works (“Public Works”): Recommended clearance to public hearing with no conditions in a letter dated November 2, 2020.
- C. County Fire Department (“Fire Department”): Recommended clearance to public hearing with no conditions on January 5, 2021. This clearance was issued through the County’s electronic permit tracking system, EPIC-LA. No letter was provided.
- D. County Department of Public Health: Recommended clearance to public hearing with no conditions in a letter dated June 15, 2021.
- E. County Environmental Review Board (“ERB”): Recommended clearance to public hearing with conditions at a meeting held on September 19, 2022. 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 June 12, 2024, a total of 33 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 21 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 1 – Existing Facilities and Class 4 – Minor Alterations to Land) under the California Environmental Quality Act (CEQA) and the County environmental guidelines.

Pursuant to Section 15301 of the State CEQA Guidelines, the Class 1 Categorical Exemption includes the existing driveway spur and swimming pool with accessory structures. The Project qualifies for a Class 1 Categorical Exemption because these structures are already existing.

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, and 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 the demolition of existing unpermitted structures—the sports court, rock pond, and footbridge—and site restoration that includes minor ground disturbance.

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 4 Categorical Exemption 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 assessment of the area of Project disturbance did not indicate the presence of sensitive biological resources that would be impacted by implementation and operation of the Project, as described in detail below.

The applicant completed a biological assessment that was reviewed by the Staff Biologist and the ERB. The Staff Biologist conducted a site visit and confirmed that the property was appropriately mapped and agreed with the contents of the biological assessment. While Project development would occur within H1 Habitat, which is mapped as sensitive, this development is limited to habitat restoration and enhancement. Remaining Project development is located within H3 Habitat and an H1 Habitat Buffer, which according to the LIP, includes native vegetation communities that have been significantly disturbed or removed as part of lawfully established development and fuel modification areas around existing development. While the building site area is less than 200 feet from H1 Habitat, no new development will occur within H1 Habitat. No new fuel modification is proposed. The Project, with a maximum height of less than 10 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 habitat restoration, a driveway spur, and a swimming pool, 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 remove existing unpermitted structures from sensitive habitat areas (H1 Habitat) and restore the underlying habitat. The areas proposed for development are immediately adjacent to the existing single-family residence and avoid development within the riparian corridor. This development is either necessary for safety purposes (the driveway spur) or within an area previously approved for development (the swimming pool).

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 visible from Mulholland Highway, a designated scenic route, as well as the Calabasas-Cold Creek Trail and is therefore located in an SRA. The maximum height within an SRA in the Santa Monica Mountains Coastal Zone is 18 feet above grade. The structures proposed for retroactive authorization—the driveway spur and the swimming pool—have maximum heights that are far lower than 18 feet. The Project would also comply with the LIP limitations on building site area.

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. County Code Section 22.44.950 requires a Minor CDP for projects that propose removals or encroachments into the protected zones of oak trees. Since the Project proposes 15 oak tree encroachments, 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, while the maximum height for the new structures is less than 10 feet above grade.
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 resources 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 September 19, 2022, 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 only grading proposed as part of the Project is limited to restoring the natural ground level beneath the unpermitted structures as part of habitat restoration. The proposed grading is estimated to be less than five cubic yards. 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. **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. The only fencing proposed for the Project Site would be safety fencing for the swimming pool, which is required by State law, or within Fuel Modification Zone "A." Retaining walls do not exceed six feet above finished grade, which is the maximum allowed within an SRA in the Santa Monica Mountains Coastal Zone per County Code Section 22.44.2040 A.11.c.
22. **BUILDING SITE AREA.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.2140. The neighborhood impact of the Project is likely to be minimal. The existing single-family residence was approved with a building site area of approximately 20,000 square feet in 1987. The existing residence and ancillary development have a calculated building site area of 19,657 square feet. Therefore, the building site area would not be increased beyond what was originally approved.
23. **HABITAT CATEGORIES.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. Removal of the unpermitted sports court and rock pond is permitted within H1 Habitat, as habitat restoration projects are called out as an acceptable resource-dependent use in the LIP (County Code Section 22.44.1890 C.1.c). However, the unpermitted footbridge does not fall under any of the categories of resource-dependent or non-resource-dependent uses allowed within H1 Habitat. The Permittee requested that the bridge be retroactively authorized. However, it is not associated with a public accessway or trail, which is the only similar permitted use within H1 Habitat. Although it has been placed over an older bridge structure, the legality of the older bridge structure is unknown and

the placement of a larger footbridge directly over it would not be considered the repair or maintenance of an existing facility. Therefore, maintaining the footbridge would not be consistent with the standards of the LIP. As a result, a condition of Project approval requires the removal of the footbridge and restoration of the site to its natural state.

Except for habitat restoration within H1 Habitat, new development is proposed entirely within H3 Habitat and the H1 Habitat Buffer Zone immediately adjacent to the existing single-family residence and within its approved fuel modification radius. No new fuel modification is proposed. While the driveway spur and the swimming pool are located within H3 Habitat, both are also located within a mapped H1 Habitat Buffer Zone. Per the requirements of the LIP, an access road may be permitted within an H1 Habitat Buffer Zone when there is no other feasible alternative to provide access to development on a legal parcel, when it is sited and designed to prevent impacts that would significantly degrade H1 Habitat, when it is compatible with the continuance of H1 Habitat, and when all feasible mitigation measures have been provided to mitigate adverse environmental effects (County Code Section 22.44.1890 D.7). Per the Fire Department's approved access plan, the driveway spur is required to provide emergency access to the entirety of the residence. Although it encroaches into the protected zones of nine oak trees, the Staff Biologist and the ERB concluded that the trees are in good health and that the Project, with appropriate mitigation measures, would be consistent with nearby biological resources, including adjacent H1 Habitat. Therefore, the driveway spur would meet the requirements for an access road within an H1 Habitat Buffer Zone.

While the swimming pool and its associated patio, retaining walls, and equipment structures are located within a mapped H1 Habitat Buffer Zone, it does not constitute new development within this zone because the swimming pool was not built in its original approved location to the northwest, which would have placed it within the existing H1 Habitat riparian zone. Instead, it was placed in a location that was previously approved for landscaping in the 1987 CDP. Because it was placed within an area already approved for development, it is considered to be within the approved building site area of the residence and is not subject to the restrictions of the H1 Habitat Buffer Zone (County Code Section 22.44.1860 C.2.c).

24. ONSITE WASTEWATER TREATMENT SYSTEM ("OWTS") STANDARDS. The Hearing Officer finds that the standards identified in County Code Section 22.44.1340 are not applicable to the Project because the existing OWTS for the residence was approved and constructed prior to adoption of the LIP in 2014.

25. 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.

COASTAL DEVELOPMENT PERMIT FINDINGS

26. The Hearing Officer finds that the proposed development is in conformity with the certified local coastal program. The Project, as conditioned to include removal of the footbridge, 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.

- 27. 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

28. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15301 (Class 1, Existing Facilities Categorical Exemption) and 15304 (Class 4, Minor Alterations to Land Categorical Exemption). The Class 1 Categorical Exemption specifically pertains to the existing driveway spur and the existing swimming pool with its accessory structures, while the Class 4 Categorical Exemption specifically refers to the removal of unpermitted structures and the habitat restoration that are proposed as part of the Project.

ADMINISTRATIVE FINDINGS

- 29. 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 15301 (Class 1, Existing Facilities) and 15304 (Class 4, Minor Alterations to Land) Categorical Exemptions; and
- 2. Approves **MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2020006422**, subject to the attached conditions.

PROJECT NO. PRJ2020-000089-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO.
RPPL2020006422

FINDINGS
PAGE 10 OF 10

ACTION DATE: July 16, 2024

MG:RG:TM
07/17/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**DRAFT CONDITIONS OF APPROVAL
PROJECT NO. 2020-000089-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2020006422**

PROJECT DESCRIPTION

The project entails the retroactive approval of a driveway spur and a swimming pool totaling 4,700 square feet, as well as the removal of three unpermitted structures, including a 1,200-square-foot sports court, a 180-square-foot rock pond, and a wooden footbridge, which are all associated with an existing single-family residence, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional 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 three years after final approval, as well as two biennial (once every two years) inspections to follow, for a total of three 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 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.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **one (1) digital copy** of a modified Exhibit "A" shall be submitted to LA County Planning by **September 16, 2024**.
15. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **one (1) digital copy** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE-SPECIFIC CONDITIONS

16. Prior to final approval, a Revised Exhibit "A" adding the removal of the unpermitted footbridge to the Project shall be reviewed and approved by the Director. A removal and site restoration plan shall also be reviewed and approved by the LA County Planning Staff Biologist, as well as the Director, prior to final approval of the Revised Exhibit "A." Removal of the unpermitted footbridge shall be accomplished with hand tools, and the underlying stream bed shall be returned to its natural state. This work shall be supervised by the lead biological monitor, as defined in Condition No. 21. Approval by the California Department of Fish and Wildlife ("CDFW") for work within a jurisdictional waterway shall also be obtained, if required by CDFW.

17. The building site area ("BSA"), as defined in County Code Section 22.44.630, shall be limited to an area no greater than 20,000 square feet. Any increase in the BSA shall require an open space easement dedication or an open space deed restriction and transfer in fee title to a public entity, per the requirements of County Code Section 22.44.1420, or by an alternative mechanism allowed by the Local Implementation Program in place at the time.
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. Prior to approval of the Exhibit "A," a Permanent Runoff Control/Drainage Plan shall be prepared by the permittee and approved by LA County Planning. The plan shall depict proposed site design and source control best management practices to minimize post-construction runoff and infiltrate, at a minimum, the first 0.75 inches of stormwater. The plan shall also show all proposed drainage improvements, such as locations of infiltration basins, measures to convey runoff from impervious surfaces into permeable areas of the property (e.g. rain gardens or bioswales) in a non-erosive manner, measures to maximize the ability of native substrates to retain and infiltrate runoff, and placement of cisterns or rain barrels for stormwater capture.
20. Exterior lighting shall comply with the provisions of County Code Section 22.44.1270 in order to avoid light trespass.
21. Prior to the issuance of a grading permit, a qualified biologist shall be retained by the permittee as the lead biological monitor subject to the approval of the Director. That person shall ensure that impacts to all biological resources are minimized or avoided and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to LA County Planning and the CDFW at their request.
22. Removal of the unpermitted sports court, as shown on the approved Exhibit "A," shall be accomplished with hand tools, and the underlying grade shall be restored to its previous natural slope. The existing leaf litter shall be saved and replaced on top of the subsequent restored area. No plantings are required, although removal of nonnative plants shall be performed on an as-needed basis. All work shall be supervised by the lead biological monitor.
23. Removal of the unpermitted rock pond, as shown on the approved Exhibit "A," shall be accomplished by draining the pond and removing the impervious surfaces with hand tools. The underlying grade shall be restored to its previous condition, and any leaf litter shall be replaced on top of the subsequent restored area. All work shall be supervised by the lead biological monitor.

24. The permittee shall delineate the proposed grading limits of the development sites 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 shall be recorded using GPS and provided to the lead 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 CDFW's defined nesting season (generally February 1 - August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within seven days prior to, and again within three days prior to, the date that activities are scheduled to begin. The biologist shall focus efforts within the grading area, the development area, the fuel modification zones, the driveway area, and areas within 50 feet of them. The biologist shall also survey 300 feet beyond these areas, as access allows.
 - b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys beginning 30 days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of project activities. If a protected native bird is found in suitable nesting habitat, all project activities within 300 feet of on- and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31 at the discretion of the biological monitor. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the qualified biologist determines that there are active nests within or adjacent 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 the

implemented protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- e. If the qualified biologist determines that a narrower buffer between the project activities and observed active nests is warranted, they shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to LA County Planning and CDFW. Based on the submitted information, the Director (in consultation with CDFW) will determine whether to allow a narrower buffer. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist shall monitor the nest before, during, and after the activities, to determine if it is being affected.
 - i. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and shall have the authority to stop any activities that exceed 60 dBA if they determine that the activity is affecting, or has the potential to affect, the outcome of a nest.
 - ii. The qualified 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. Temporary wildlife fencing shall be utilized to reduce the potential for wildlife being harmed by, or moving into, the work site. The permittee's contractor shall delineate the grading/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
- a. To install the screen, laborers shall remove a five-foot strip of vegetation at the limits of the grading limits/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and to reduce the potential of them being crushed by heavy machinery.
 - b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.
 - c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.
 - d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.
 - e. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.

- f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the project biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
27. A pre-demolition biological resources survey shall be conducted within the area that is screened and within areas adjacent to the driveway on the day after screening.
- a. The permittee shall plan to remove vegetation from within the screened area no more than one day after completion of the pre-construction biological resources survey.
 - b. Laborers shall use handheld tools to remove the vegetation. Using handheld tools will allow wildlife, including special-status species, a chance to escape and will reduce the potential of them being crushed by heavy machinery.
 - c. A biologist shall monitor vegetation removal to capture and relocate wildlife as necessary. The biologist shall hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
28. 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.
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. The Project shall provide mitigation for 0.04 acres of new direct development within the H1 Habitat Buffer Zone through the County's Resource Conservation Program ("RCP"), if such program is valid and in effect, or shall otherwise provide mitigation through restoration as mitigation pursuant to County Code Section 22.44.1950. If the

RCP is valid and in effect at the time of implementation of this condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950 A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to, issuance of any grading or building permit. Should the RCP not be valid and in effect at the time of implementation of this condition, the Director shall require restoration as mitigation instead of reliance on the RCP pursuant to County Code Section 22.44.1950.A, and the Project shall provide mitigation pursuant to County Code Section 22.44.1950.C. If mitigation as restoration is required, the permittee shall submit a restoration and/or enhancement plan consistent with the LIP for review and acceptance by the Director prior to issuance of grading or building permits. The habitat restoration or enhancement shall be completed prior to or concurrently with construction of the Project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of any grading or building permit for any portion of the Project.