

October 23, 2024

Nicole Farnoush
28230 Agoura Rd., Suite 200
Agoura Hills, CA 91301

PROJECT NO. 2017-006506-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017009778
VARIANCE NO. RPPL2024004250
2826 CORALGLEN DRIVE, MALIBU (APN 4457-023-007)

Dear Applicant:

The Hearing Officer, by her action of **October 22, 2024**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

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

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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: DPW (Building and Safety)
Zoning Enforcement

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2017-006506-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017009778
VARIANCE NO. RPPL2024004250**

RECITALS

1. **HEARING DATE.** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing on October 22, 2024, in the matter of Project No. 2017-006506-(3), Minor Coastal Development Permit No. RPPL2017009778 (“Minor CDP”), and Variance No. RPPL2024004250 (“Variance”).
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on October 22, 2024. Department of Regional Planning staff (“Staff”) made a presentation recommending approval of the Minor CDP and Variance. The applicant's representative spoke in favor of the development, while one community member spoke in opposition. The Hearing Officer subsequently closed the public hearing and approved the Minor CDP and Variance.
3. **ENTITLEMENTS REQUESTED.** The applicant, Nicole Farnoush (“Permittee”), requests the Minor CDP to authorize the construction of a 5,022-square-foot, 30-foot-tall single-family residence with an attached 800-square-foot garage, a new onsite wastewater treatment system (“OWTS”) and 2,410 cubic yards of grading (595 cubic yards of cut, 625 cubic yards of fill, 30 cubic yards of import, and 1,190 cubic yards of excavation and recompaction) (“Project”) on a property that is 5.2 gross acres in size located at 2826 Coralglan Drive (Assessor’s Parcel Number 4457-023-007) in the unincorporated community of 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 1.9 acres of H3 Habitat, 2.7 acres of H2 Habitat, and 0.6 acres of H1 Habitat.

In addition, the Permittee requests the Variance for the construction of a new driveway of more than 300 feet in length. The LIP considers the widening of an existing road to be the same as creating a new road, and the Project would include increasing the paved width of Coralglan Drive from 10 feet to 20 feet for a length of 740 feet. The Project would include development within mapped H3 Habitat, H2 Habitat, H1 Habitat Buffer, and H1 Quiet Zone categories.

4. **ENTITLEMENT(S) REQUIRED.**

- A. The Minor CDP is a request to construct a new single-family residence and associated improvements, including a new OWTS, in the R-C-40 (Rural Coastal – 40 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.44.810. Per the requirements of the Santa Monica Mountains Local Implementation Program (“LIP”), a Minor CDP is required for any project that

results in grading of more than 50 cubic yards and less than 5,000 cubic yards of earth (County Code Section 22.44.1260). A Minor CDP is also necessary for any project requiring review by the ERB (County Code Sections 22.44.860 and 22.44.940). A Minor CDP is required because the Project proposes 2,410 cubic yards of grading (595 cubic yards of cut, 625 cubic yards of fill, 30 cubic yards of import, and 1,190 cubic yards of excavation and recompaction) and is proposed within 200 feet of H1 and H2 Habitat.

B. The Variance is a request to widen a driveway of more than 300 feet in length pursuant to County Code Section 22.44.1920.C.

5. **LAND USE DESIGNATION.** The Project Site is located within the Rural Lands 40 (RL40 – one dwelling unit per 40 acres maximum density) land use designation of the Santa Monica Mountains Local Coastal Program Land Use Policy Map (“LUP”).
6. **ZONING.** The Project Site is located in the Santa Monica Mountains Planning Area and is zoned R-C-40. Pursuant to County Code Section 22.44.1750, a single-family residence is a principal permitted use within the R-C Zone. However, County Code Section 22.44.1620 requires a Minor CDP for any development that proposes between 50 and 5,000 cubic yards of grading, which the Project does. A Minor CDP is also required for any Project that requires ERB review (County Code Sections 22.44.860 and 22.44.940). In addition, the widening of the existing access road for a length exceeding 300 feet requires a Variance (County Code Section 22.44.1920.C).

7. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is an irregularly shaped 5.2-acre parcel and consists of a ridgeline with a private road, Coralglenn Drive, traversing the Project Site from the northeast to southwest, with steeply sloping downward terrain to the north and south. Dry Creek, an ephemeral stream, is located adjacent to the Project Site, roughly paralleling its southeastern boundary. The Project Site is bounded on the east by Sequit Drive, a 30-foot-wide public road, and the El Nido Rural Village. Single-family residences are located to the south, east, and west of the Project Site, and vacant land is located to the north. Coralglenn Drive continues as a private driveway to the west of the Project Site, eventually intersecting with Vista Mar Drive and Barrymore Drive – both 30-foot-wide public streets – to the northwest.

On-site vegetation consists of disturbed annual grasses (northern and northwestern portions), native chaparral (eastern and southern portions), and some oak/willow thicket (southeastern edge). Some areas of previous unpermitted grading and vegetation clearance – totaling approximately 0.3 acres – exist on the southwestern, central, and northeastern portions of the Project Site. Most of these areas have been recolonized with local vegetation. However, one area of illegal grading immediately to the north of the proposed residence is currently shored up with temporary erosion control measures.

The Project Site includes areas mapped as H1 Habitat (1.4 acres) and H3 Habitat (3.8 acres) within the LUP. However, the ERB has proposed a remapping that results in 1.9 acres of H3 Habitat, 2.7 acres of H2 Habitat, and 0.6 acres of H1 Habitat. In general, areas mapped as H3 Habitat include areas of legal brush clearance and/or graded areas on the southern, western, and southeastern portions of the Project Site. Annual grasslands and chaparral are mapped as H2 Habitat, while designated H1 Habitat includes rock outcrops on the northern and northeastern portions of the Project Site and an observed area of purple needlegrass stands on the western portion of the Project Site.

B. Site Access

The Project Site is accessed by Coralglenn Drive, a 10-foot-wide private road that traverses the property, which becomes a 30-foot-wide public road immediately to the north. It continues as a private driveway to the west of the Project Site, eventually intersecting with Vista Mar Drive and Barrymore Drive – both 30-foot-wide public streets – to the northwest.

C. Site Plan

The Permittee proposes the construction of a 5,022-square-foot single-family residence and an 800-square-foot attached garage on the southwestern portion of the 5.2-acre Project Site. The two-story residence would have a terraced design, following the downward slope, with a maximum height of 30 feet above grade, and a total of 2,410 cubic yards of earth would be graded, consisting of 595 cubic yards of cut, 625 cubic yards of fill, and 1,190 cubic yards of excavation and recompaction. Thirty cubic yards of earth would be imported. The Project would also include retaining walls, decks, stairways, a swimming pool, and other appurtenant facilities on a total building site of 9,996 square feet. A new OWTS with would be located 30 feet south of the residence with two seepage pits located several hundred feet northeast of the residence. The existing paved width of the Coralglenn Drive would be increased from 10 feet to 20 feet for a length of approximately 740 feet, 550 feet of which would be on the Project Site itself, while 190 feet would be within the public portion of the road to the north of the Project Site. A new hammerhead turnaround for County Fire Department (“Fire Department”) access would be developed immediately to the north of the residence in a location of previous unpermitted grading.

All direct development for the Project would be located within H3 Habitat and H2 Habitat. However, approximately 5,500 square feet of direct development – consisting of grading and paving for the driveway and the hammerhead turnaround – and 4,800 square feet of fuel modification are within 100 feet of designated H1 Habitat and are therefore within the H1 Habitat Buffer Zone. In addition, approximately 0.4 acres of direct development, including 3,100 square feet of the proposed building site area, would be within the H1 Quiet Zone. The Project would not require any new fuel modification within H1 Habitat, as the small area of H1 Habitat within 200 feet of the residence (130 square feet) has been exempted from fuel modification per the approved Fire Department plan. In total, approximately 0.5 acres of direct development and 1.2 acres of fuel modification would be required

within H2 Habitat. Of this direct development, about half (0.25 acres) would be for driveway widening and hammerhead turnaround construction, while the remainder would be for the building site area.

8. **PUBLIC COMMENTS.** Two public comment letters were received on the day of the hearing. One letter expressed opposition to the Project, stating that the height of the residence should be reduced to 18 feet, as portions of the residence would, in fact, be visible from Corral Canyon Road. The second letter expressed support for the Project, stating that the story poles showed the design to be compatible with the neighborhood.

9. **AGENCY RECOMMENDATIONS.**

A. Fire Department: Recommended clearance to public hearing with no conditions in a letter dated January 14, 2021.

B. County Department of Parks and Recreation: Recommended clearance to public hearing with no conditions in a letter dated February 5, 2021.

C. County Department of Public Health: Recommended clearance to public hearing with no conditions in a letter dated May 3, 2023.

D. County Department of Public Works (“Public Works”): Recommended clearance to public hearing with conditions in a letter dated May 11, 2023. The Public Works conditions have been included within the Project’s conditions of approval.

E. ERB: Recommended clearance to public hearing with conditions at a meeting held on November 15, 2021. The ERB conditions have been included within the Project’s conditions of approval.

10. **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 Document Reporting Procedures and Guidelines.

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

Pursuant to section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, 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 that is associated with one single-family residence and accessory uses. The Project qualifies for a Class 4 Categorical Exemption because the Project includes 2,410 cubic

yards of grading, widening of a driveway, 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 as the biological inventory and environmental assessment of the area of Project disturbance do not indicate the presence of sensitive biological resources that would be impacted by implementation and operation of the Project, as described in detail below.

The Permittee completed a biological assessment that was reviewed by the County Department of Regional Planning (“LA County Planning”) Staff Biologist (“Staff Biologist”) and the ERB. The Staff Biologist conducted a site visit and confirmed the contents of the biological assessment. The biological assessment confirms that the portion of the Project Site proposed for development does not contain any state-designated environmental resources of hazardous or critical concern; does not contain any plants or animals listed as federal, state, or locally sensitive; and is not considered a particularly sensitive environment. The area subject to development, including new fuel modification and the proposed building site area, would not extend into H1 Habitat, which is described in the LIP as habitats with the highest biological significance. The Project, which is not visible from any scenic highway, trail, or parklands, is not expected to impact scenic resources. It is also not likely to have a cumulative or significant effect on the environment, as it consists of one single-family residence in an area of existing development, and no hazardous waste sites or historic resources would be affected. Therefore, the Project is categorically exempt from CEQA.

GENERAL PLAN CONSISTENCY FINDINGS

11. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the LUP because the RL40 land use designation is intended for single-family residential uses on relatively large lots. A single-family residence is permitted under this designation.

12. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following policies of the LUP:

Conservation and Open Space Element

Policy CO-108:

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

Policy CO-109:

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

The Project would utilize a portion of the Project Site adjacent to an existing access road that was previously subject to off-site brush clearance for an adjacent single-family residence. This location will avoid the need to remove native vegetation and grade large amounts of earth. The development will also avoid all impacts, including fuel modification, within H1 Habitat.

Conservation and 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 not visible from Corral Canyon Road, a designated scenic route to the northwest, nor is it visible from the Pacific Ocean to the south or from Santa Monica Mountains National Recreation Area to the west. As a result, the Project Site is not located within a Scenic Resource Area ("SRA") per County Code Section 22.44.2000.

Therefore, the Project would have a height limit of 30 feet above grade, which is the maximum height proposed for the structures on the Project Site.

The Project would be similar in character to other single-family residences in the vicinity and compares favorably to them in terms of height and bulk. Residences within 700 feet generally range between 1,500 square feet and 4,000 square feet. While the proposed residence would be 5,022 square feet, its terraced design, with two levels that step down the hillside, makes it appear smaller than this floor area would suggest. Its maximum height of 30 feet above grade is also similar to that of nearby residences. The Project would also comply with the 10,000-square-foot limitation on building site area, as the Project proposes 9,996 square feet.

ZONING CODE CONSISTENCY FINDINGS

13. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the R-C-40 zoning classification because a single-family residence is a principal permitted use in such zone with an Administrative CDP pursuant to County Code Section 22.44.1750. County Code Section 22.44.1620 requires a Minor CDP for projects proposing between 50 and 5,000 cubic yards of grading, and County Code Sections 22.44.860 and 22.44.940 require a Minor CDP for any Project that requires ERB review. Since the Project proposes 2,410 cubic yards of grading and is proposed less than 200 feet from H1 and H2 habitat, a Minor CDP is required instead of an Administrative CDP.

In addition, a new driveway or access road of more than 300 feet in length requires a Variance (County Code Section 22.44.1920.C). The LIP considers the widening of an existing road to be the same as creating a new road, and the Project would include increasing the paved width of Coralglen Drive from 10 feet to 20 feet for a length of 740 feet. Therefore, a Variance is also required.

14. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.44.1750 and 22.44.1375, as the Project would meet all required setback standards.
15. **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 that is not within an SRA in the Santa Monica Mountains Coastal Zone is 30 feet above grade, which is the maximum height of the proposed single-family residence.
16. **COLORS/MATERIALS.** The Hearing Officer finds that the Project would utilize construction materials that are appropriate for the surrounding area. Roofing materials are not glossy or reflective, and siding materials, including wood, stucco, and concrete, would utilize earth tones and no bright or white colors pursuant to County Code Section 22.44.1320.

17. **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, protective fencing for oak trees, 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 November 15, 2021, the ERB found that the Project, as modified, would not have an impact on biological resources. All of the ERB's recommended modifications have been included within the Project's conditions of approval.
18. **GRADING REQUIREMENTS.** The Hearing Officer finds that the Project is consistent with the applicable grading requirements identified in County Code Section 22.44.1260. The Project is proposing 2,410 cubic yards of grading, consisting of 595 cubic yards of cut, 625 cubic yards of fill, and 1,190 cubic yards of excavation and recompaction. Thirty cubic yards of earth would be imported. The Project is consistent with the applicable grading requirements because grading, including recompaction of the underlying unstable pad, would occur within a previously disturbed area immediately adjacent to an existing access road, and 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.
19. **EXTERIOR LIGHTING.** The Hearing Officer finds that the Project, with revisions, is consistent with the applicable exterior lighting requirements identified in County Code Section 22.44.1270. The Project is proposing 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.
20. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified for development in the R-C-20 Zone (County Code Section 22.44.1750), as two covered parking spaces are required. The Project would provide four covered parking spaces in an attached garage.
21. **FENCES AND WALLS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1310. Fences in the Santa Monica Mountains Coastal Zone must be wildlife-permeable unless they are within Fuel Modification Zone "A," which typically extends 20 feet from habitable structures. No fencing is proposed on the Project Site.
22. **BUILDING SITE AREA.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1910 I. The Project's maximum allowed building site area is 10,000 square feet. The Project's building site area is 9,996 square feet.
23. **HABITAT CATEGORIES.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. The Project Site is

designated as H1, H2, and H3 Habitat by the LUP. While all development would occur within H3 and H2 habitats, some direct development and fuel modification would be located within the H1 Habitat Buffer Zone and the H1 Quiet Zone. The Project would result in no direct development or new fuel modification within H1 Habitat, per the approved Fire Department plan.

The Project would result in 0.5 acres of direct development and 1.2 acres of fuel modification within H2 Habitat. These impacts must be mitigated through a habitat impact in-lieu fee, on-site mitigation, off-site mitigation, or a combination of these (County Code Section 22.44.1950). 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 Regional Planning at a later date, but before grading and construction can occur.

While Project development would be entirely within H3 Habitat and H2 Habitat, approximately 5,500 square feet of direct development, consisting of grading and paving for the driveway and the hammerhead turnaround, as well as 4,800 square feet of fuel modification, are within the H1 Habitat Buffer Zone. In addition, approximately 0.4 acres of direct development, including 3,100 square feet of the proposed building site area, would be within the H1 Quiet Zone. Per the requirements of the LIP, residential development may only be permitted within an H1 Quiet Zone or H1 Habitat Buffer Zone 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.

Some of the proposed residence and ancillary development would be located within the H1 Habitat Buffer Zone or the H1 Quiet Zone. However, the proposed location is the most appropriate site for development. The location of the residence on the southwestern portion of the Project Site places it in the location farthest from H1 Habitat to the north and east, as well as within the existing fuel modification zone of a single-family residence immediately to the west, which is H3 Habitat. Moving the residence further to the northeast, which would require a shorter driveway, would result in placement of the residence outside of H3 Habitat and closer to H1 Habitat, resulting

in greater habitat impacts through direct development and fuel modification. The current location, conversely, requires no fuel modification within H1 Habitat.

Direct development within the H1 Habitat Buffer and the H1 Quiet Zone is also kept to the minimum amount necessary. Direct development within the H1 Habitat Buffer, as well as all but 3,100 square feet of direct development within the H1 Quiet Zone, is limited to the access driveway and the hammerhead turnaround, which is a permitted use within these buffer zones (County Code Sections 22.44.1890.D.7 and 22.44.1890.E.8). Fuel modification proposed within the H1 Habitat Buffer, as well as the remaining 3,100 square feet of direct development within the H1 Quiet Zone, is a consequence of the building site area and habitable structures being placed immediately adjacent to the existing access road. Any development on the southwestern portion of the Project Site would result in some fuel modification within the H1 Habitat Buffer, except for a 30-foot-wide strip adjacent to the southern property line. While moving the residence further to the south (and away from the road) could potentially reduce these impacts, the steep slope of this area would require an extremely large amount of grading to develop, which would also create undesirable aesthetic and biological impacts. The resulting environmental and aesthetic disturbance on the Project Site would exceed that proposed by the Project, which has been found consistent with biological resources by the ERB.

While the Project has a maximized building site area (9,996 square feet), only 3,100 square feet is located within the H1 Quiet Zone, and this portion of the building site area is immediately adjacent to the access road. As the placement of the Project immediately adjacent to the access road results in the most appropriate siting for the residence, this 3,100-square-foot portion of the building site area is necessary for construction of the Project. Therefore, reducing the size of the remainder of the building site area would not reduce the impact to the H1 Quiet Zone or H1 Habitat Buffer. Thus, in order to make use of the property, the portion of the Project within the H1 Habitat Buffer and the H1 Quiet Zone is the minimum amount of development necessary for these areas.

24. **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 a stream. The Project's proposed seepage pits, which are located immediately to the south of the residence, would meet these standards.
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.
26. **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

27. **The Hearing Officer finds that the proposed development is in conformity with the certified local coastal program.** As proposed, the Project would comply with all applicable development standards for residences in the Santa Monica Mountains Local Coastal Program, which includes the LUP and LIP, including those standards related to permitted uses, building site area, habitat categories, and height restrictions, except for those standards regarding driveway length, which is why the Project requires a Variance.
28. **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.

VARIANCE FINDINGS

29. **The Hearing Officer finds that there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.** In this case, the location of the residence on the southwestern portion of the Project Site places it in the location farthest from H1 Habitat to the north and east, as well as within the existing fuel modification zone of a single-family residence immediately to the west, which is H3 Habitat. Moving the residence further to the northeast, which would require a shorter driveway, would result in placement of the residence outside of H3 Habitat and closer to H1 Habitat, resulting in greater habitat impacts through direct development and fuel modification. It would also increase the Project's impact on scenic resources by potentially putting it within sight of Corral Canyon Road, a designated scenic route. The current location, conversely, requires no fuel modification within H1 Habitat. Direct development within the H1 Habitat Buffer and the H1 Quiet Zone is also kept to the minimum amount necessary. While moving the residence further to the south could potentially reduce these impacts even more, the steep slope of this area would require an extremely large amount of grading to develop, which would also create undesirable aesthetic and biological impacts. As a result, the proposed location is the most appropriate for development of a single-family residence, which is a principal permitted use in the R-C Zone.
30. **The Hearing Officer finds that such a variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.** Other nearby property owners already enjoy similar use of their properties, as there are numerous other single-family residences developed with similar square footage and building site areas in the immediate vicinity, several of which have driveways exceeding 300 feet in length.

31. **The Hearing Officer finds that the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.** Development of a shorter driveway would relocate the residence further to the northeast, which would result in placement of the residence outside of H3 Habitat and closer to H1 Habitat, resulting in greater habitat impacts through direct development and fuel modification. In addition, Coralglenn Drive is an existing private road traversing the Project Site and widening it by 10 feet is unlikely to result in a significant visual impact to other residents in the vicinity. As a result, the proposed location is the most appropriate for development of a single-family residence, which is a principal permitted use in the R-C Zone and would be substantially similar to other residences in the immediate vicinity.
32. **The Hearing Officer finds that the granting of the variance will not be materially detrimental to coastal resources.** Moving the residence further to the northeast, which would require a shorter driveway, would result in placement of the residence outside of H3 Habitat and closer to H1 Habitat, resulting in greater habitat impacts through direct development and fuel modification. The current location, conversely, requires no fuel modification within H1 Habitat. The alternate location would likely have a significantly more detrimental effect on the biological resources of the area, which the LIP restrictions are meant to protect. In evaluating the Permittee's biological assessment, the Staff Biologist and the ERB have concluded that the placement of the Project, if appropriately conditioned, is unlikely to have a negative impact on local biological resources. The Project has also been found to be in conformity with the certified Santa Monica Mountains Local Coastal Program.

ENVIRONMENTAL FINDINGS

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

ADMINISTRATIVE FINDINGS

34. **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 September 18, 2024, a total of 129 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.

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

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the CDP:

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

Regarding the Variance:

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

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. RPPL2017009778** and **VARIANCE NO. RPPL2024004250**, subject to the attached conditions.

**PROJECT NO. 2017-006506-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO.
RPPL2017009778
VARIANCE NO. RPPL2024004250**

**FINDINGS
PAGE 14 OF 14**

ACTION DATE: October 22, 2024

MG:RG:TM
10/23/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. 2017-006506-(3)
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017009778
VARIANCE NO. RPPL2024004250**

PROJECT DESCRIPTION

The project is a Minor Coastal Development Permit (“CDP”) to construct a new 5,022-square-foot single-family residence located on a 5.2-acre property in the Santa Monica Mountains Coastal Zone (“Project Site”), as well as a Variance to widen an access driveway that is more than 300 feet in length (“Project”), subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to County Code Section 22.44.1090.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 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 **\$441.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **one inspection three years after the date of final approval of the grant.** 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 \$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 ("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 **December 23, 2024**.
15. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **one (1) digital copy** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE-SPECIFIC CONDITIONS

16. Prior to issuance of the grading or building permit for the Project, the permittee shall dedicate all areas of the property 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 and 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 property shall be permanent.

17. The building site area, as defined by County Code Section 22.44.630, shall be limited to an area no greater than 10,000 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 shall be permitted for exterior construction, other than glass, which shall be the least reflective variety available.
19. Prior to construction, the permittee shall submit a grading/drainage plan to the Public Works' Building and Safety Division for review and approval. The grading plans shall show and call out the construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, retaining walls, water-quality devices, Low-Impact Development ("LID") features, and all existing easements. All structures shall meet the County Building, Residential, and Green Building Standards codes, and the Project shall comply with all LID standards (County Code Section 12.84.440)

in accordance with the LID standards manual. This condition shall be met to the satisfaction of Public Works.

20. Exterior lighting shall comply with the provisions of County Code Section 22.44.1270 in order to avoid light trespass, including, but not limited to:
 - a. Lighting allowance
 - i. Security lighting attached to the principally permitted structure and other permitted accessory structures shall be 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 property. This lighting shall be limited to fixtures that do not exceed two feet in height, are directed downward, and have a manufacturer's maximum output rating of no greater than 60 watts (600 lumens), or the equivalent.
 - iii. 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), or the equivalent.
 - b. Light trespass. Outdoor lighting shall be minimized, directed toward the targeted area(s) only, and avoid light trespass onto non-targeted 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 with a Revised Exhibit "A" after the permittee demonstrates, 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.
21. The permittee shall prepare a Construction Runoff Plan that depicts the locations of any sediment and debris traps, any straw wattles, sandbags, or silt fence that will be used to direct flows to the traps, and flow directions. The permittee's contractor shall inspect the traps and other containment devices to ensure proper function. The plan should be implemented during the rainy season or prior to rain events.
22. 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.

23. Glass used in the Project shall be the 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.
24. 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.
25. 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.
26. 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, 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 any other such habitat within 500 feet of the disturbance area, as access to adjacent areas allows. 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 a raptor nest, or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet of the nest, or within 500 feet of the raptor nest, 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 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.
27. 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.

28. Fuel modification shall occur on the Project Site after or concurrently with the construction phase of the proposed Project, as directed by the Fire Department.
 - a. A qualified biologist shall implement the Nesting Bird Survey and Protection Plan before fuel modification occurs.
 - b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.
 - c. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.
29. The Project shall provide mitigation through the County's Resource Conservation Program ("RCP"), if such program is valid and in effect, or shall otherwise provide mitigation through restoration as mitigation pursuant to County Code Section 22.44.1950. If the RCP is valid and in effect at the time of implementation of this condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950.A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to, issuance of any grading or building permit.

If the RCP is not valid and in effect at the time of implementation of this condition, the Director shall require restoration as mitigation pursuant to County Code Section 22.44.1950.C. If mitigation as restoration is required, the permittee shall submit a restoration and/or enhancement plan consistent with the Santa Monica Mountains Local Implementation Program ("LIP") for review and acceptance by the Director prior to issuance of grading or building permits. The habitat restoration or enhancement shall be completed prior to or concurrently with construction of the Project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of any grading or building permit for any portion of the Project. Alternatively, the permittee may pay the habitat impact in-lieu fee amount in effect at the time of final approval, if this alternative is authorized under the provisions of the LIP. LA County Planning Staff shall place a notification flag in the EPIC-LA permitting system alerting Public Works of this condition.

30. 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 property, 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 property.

31. 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.