

REPORT TO THE HEARING OFFICER

DATE ISSUED: July 3, 2024

HEARING DATE: July 16, 2024 AGENDA ITEM: 7

PROJECT NUMBER: 2020-000089-(3)

PERMIT NUMBER(S): Minor Coastal Development Permit ("Minor CDP")
RPPL2020006422

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 26066 Mulholland Highway

OWNER: Martin and Anna Donlon

APPLICANT: Arfakhashad Munaim

CASE PLANNER: Tyler Montgomery, Principal Regional Planner
TMontgomery@planning.lacounty.gov

RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number 2020-000089-(3), Minor CDP Number RPPL2020006422 based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motions:

CEQA:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

PROJECT:

I, THE HEARING OFFICER, APPROVE MINOR COASTAL DEVELOPMENT PERMIT NUMBER RPPL2020006422 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT DESCRIPTION

A. Entitlement(s) Requested

- Minor CDP for the removal of unpermitted structures and the retroactive approval of a swimming pool, a footbridge, and a 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 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).

B. Project

The applicant requests a Minor CDP for the removal of two unpermitted structures—a sports court and rock pond—that encroach into the protected zones of 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 (“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.

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 (County Code Section 22.44.950). Because the removal of unpermitted structures and the retroactive approval of the driveway spur and swimming pool would result in encroachments into the protected zones of 15 oak trees, a Minor CDP is required for the Project.

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 were not authorized by the CDP

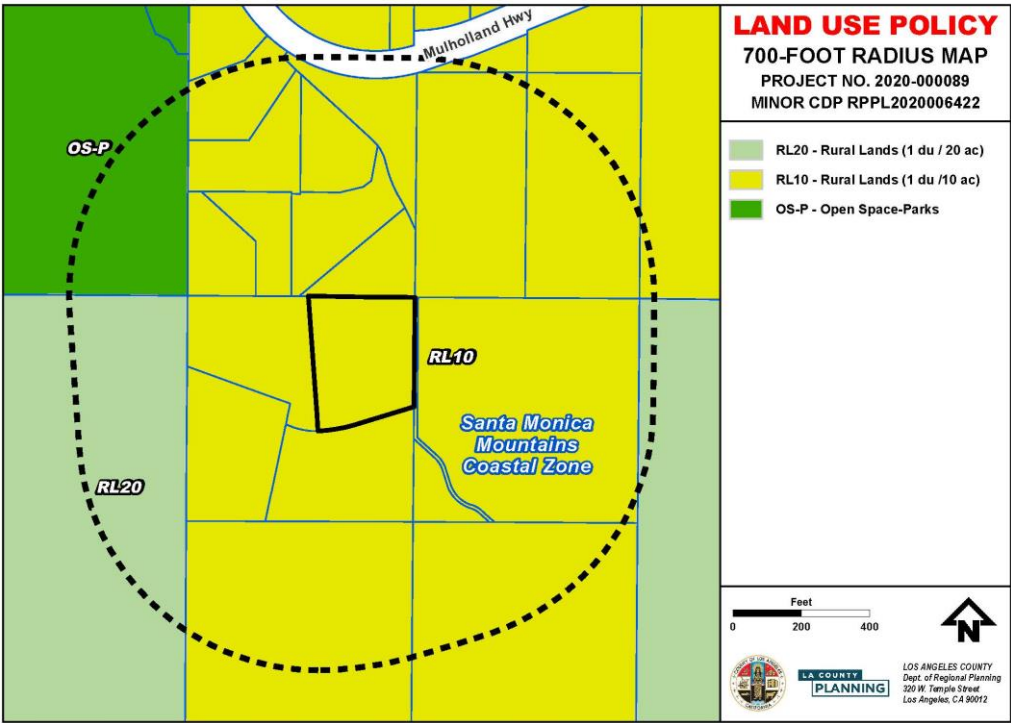
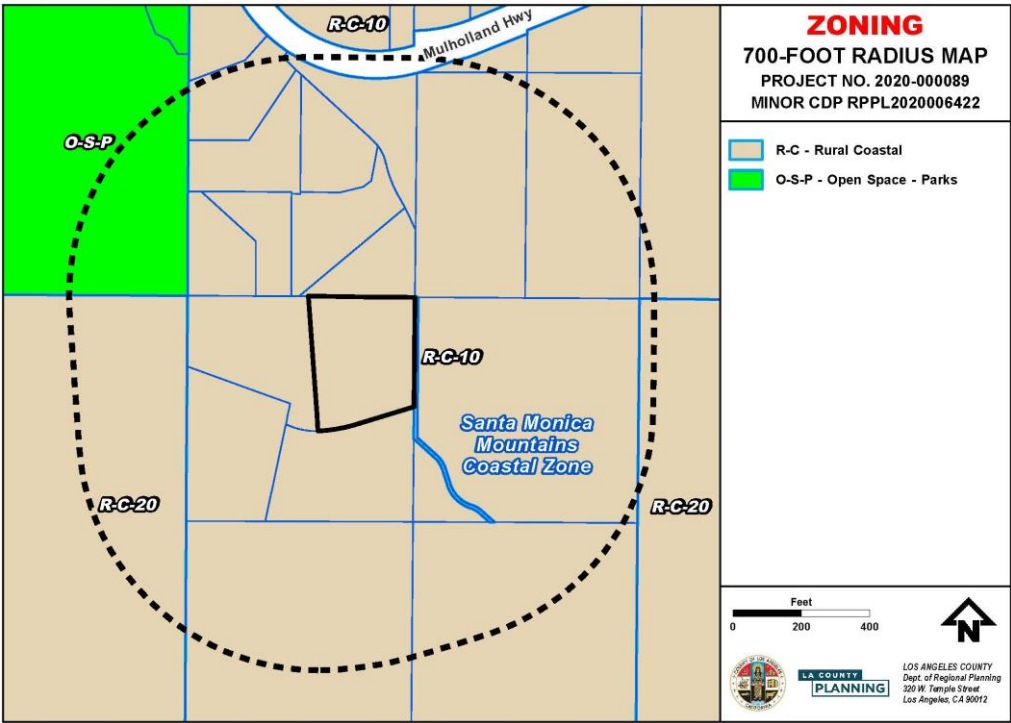
and were built without permits. These are all located within H1 Habitat. The applicant proposes removal of the sports court and rock pond and site restoration and requests retroactive authorization of the wooden footbridge. The driveway spur was not authorized by the CDP, although Los Angeles County 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. Los Angeles County issued building permits for it in 1991. The driveway spur and swimming pool are located within the H1 Habitat Buffer Zone and are proposed to be retroactively authorized.

The Project Site includes areas mapped as H1 Habitat, H1 Habitat Buffer, H1 Quiet Zone, and H3 Habitat within the Santa Monica Mountains Land Use Plan (“LUP”). H1 Habitat follows the riparian zone of a stream that traverses the Project Site from northeast to southwest. H3 Habitat is located on the remainder of the Project Site, which includes the areas on its southeastern portion that are developed with the single-family residence and accessory structures. The H1 Habitat Buffer and H1 Quiet Zone overlap the H3 Habitat. The existing permitted access driveway and unpermitted wooden footbridge traverse H1 Habitat, and an unpermitted concrete sports court and rock pond—which are proposed for removal—are also located in H1 Habitat. The remainder of the development to be retroactively authorized, which totals approximately 4,700 square feet, is within 100 feet of designated H1 Habitat and is therefore within the H1 Habitat Buffer Zone (zero to 100 feet away). The Project would not require any new fuel modification.

SUBJECT PROPERTY AND SURROUNDINGS

The following chart provides property data within a 700-foot radius:

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
SUBJECT PROPERTY	RL10 (Rural Land — One dwelling unit per 10 acres maximum density)	R-C-10 (Rural Coastal — 10 Acre Minimum Required Lot Area)	Single-family residence
NORTH	RL10	R-C-10	Single-family residences
EAST	RL10	R-C-10	Vacant land
SOUTH	RL10	R-C-10	Single-family residences, vacant land
WEST	RL10, RL20 (Rural Land — One dwelling unit per 20 acres maximum density)	R-C-10, R-C-20 (Rural Coastal — 20 Acre Minimum Required Lot Area)	Single-family residences, vacant land



PROPERTY HISTORY

A. Zoning History

ORDINANCE NO.	ZONING	DATE OF ADOPTION
7310	A-1-1 (Light Agricultural — One Acre Minimum Required Lot Area)	3/11/1958
ZCO-20140055	R-C-10	10/10/2014

B. Previous Cases

CASE NO.	REQUEST	DATE OF ACTION
CDP 5-87-409	New single-family residence and swimming pool	Approved 6/12/1987
Los Angeles County Building Permits	Authorized single-family residence, driveway, driveway spur, and swimming pool in current locations	Issued between 1990 and 1992

C. Violations

CASE NO.	VIOLATION	CLOSED/OPEN
Coastal Commission Violation No. V-4-12-043	Development of swimming pool, driveway spur, and accessory structures contrary to approved CDP plans	Opened May 2019; On hold since 2020 pending outcome of this CDP

ANALYSIS

A. Land Use Compatibility

The Project is a request to remove or retroactively authorize accessory structures associated with an existing single-family residence in the Santa Monica Mountains Coastal Zone. Restoration of H1 Habitat would also occur. As proposed, the Project — with the exception of the wooden footbridge — would comply with all applicable development standards for such development in the LIP, including those related to building site area, habitat categories, height restrictions, and native tree preservation. For further details on this compliance, see the “Zoning Ordinance Consistency” section below or the attached Exhibit C – Findings. The Project Site is not located between the ocean and the nearest public road, so coastal access requirements are not applicable. Therefore, the Project would be in conformity with the certified Local Coastal Program and is not expected to negatively affect the surrounding community.

As noted above, H1 Habitat follows the riparian zone of a stream that traverses the Project Site from northeast to southwest. 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 applicant has requested that the bridge be retroactively authorized. They argue that it provides the only means of easy access to the northwestern portion of the property. They also state that it was placed on top of another much older footbridge, as shown in photos (see Exhibit H – Photos). Despite the fact that the bridge provides access across an existing stream, it is not associated with a public accessway or trail, which is the only similar permitted use within H1 Habitat. The age and legality of the older footbridge beneath it is also unknown. Regardless, even if its legality could be proven, the placement of a larger footbridge directly over it would not be considered the repair or maintenance of an existing facility. Therefore, Staff recommends that the Project include a condition requiring the removal of the footbridge and restoration of the site to its natural state. This is included as Condition No. 17 in Exhibit D – Conditions of Approval.

B. Neighborhood Impact

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. This building site area can only be approximated, as the approved plans do not include enough details regarding grading and landscaping to calculate an exact number. 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. The tallest portions of new structures would not exceed 10 feet above grade. Except for habitat restoration, 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 swimming pool are located within H3 Habitat, both are also 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 Environmental Review Board ("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 (see "Design Compatibility" section

below). 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 mapped H3 Habitat and the 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).

The Project would result in 0.04 acres of new direct development within the H1 Habitat Buffer Zone, which consists of the driveway spur. These impacts cannot be mitigated through a habitat impact in-lieu fee (County Code Section 22.44.1950) because the County does not currently have a valid Resource Conservation Program (“RCP”). Therefore, a condition of Project approval requires these impacts to be mitigated through an in-lieu fee upon the adoption of a valid RCP or, alternatively, by proposing a mitigation plan to be approved by the Director of LA County Planning at a later date, but before grading and construction can occur.

C. Design Compatibility

The Project Site is visible from the Calabasas-Cold Creek Trail directly to the east. As a result, the Project Site is located within an SRA per County Code Section 22.44.2000. Developments that are located within an SRA must meet a variety of development standards, including a height limit of 18 feet above grade, utilization of materials and colors compatible with the surrounding landscape, the breaking up of structural mass, and the minimization of grading and retaining walls (County Code Section 22.44.2040). The design of the Project elements—all of which are less than 10 feet above grade—would comply with these standards.

The Project is compatible with the Project Site’s topography. While the driveway spur and swimming pool did not receive Coastal Commission approval for their current locations, they are placed immediately adjacent to the existing single-family residence. The swimming pool was also relocated from its approved location within a stream bed to a location already proposed for development with landscaping. Los Angeles County also granted building permits for both structures.

Restoration of the disturbed H1 Habitat would be consistent with the recommendations of the Staff Biologist and the ERB. The rock pond would be drained and the underlying pavement would be removed by hand tools. The sports court and retaining wall would be removed with hand tools and the underlying slope would be restored. Leaf litter would be

saved and replaced on the resulting exposed soil. No planting would be required, as the area beneath oak woodland is naturally sparse, although subsequent nonnative plants would be removed should they appear. The ERB recommended that the existing footbridge remain in place to prevent potential erosion of the stream bank. However, Staff recommends that the footbridge be removed, as it is not an allowable use within H1 Habitat. Therefore, prior to final approval of the Project, the applicant would be required to submit a removal and restoration plan for the bridge that must be reviewed and approved by the Staff Biologist (see “Land Use Compatibility” section above).

The Project would result in encroachments into the protected zones of 15 coast live oaks. Six of these oaks would have only temporary encroachments during the removal of unpermitted structures within H1 Habitat. An additional nine oak trees have encroachments resulting from construction of the driveway spur and swimming pool. These oak trees were evaluated by an arborist, a Staff Biologist, and the ERB, who determined that they were in good health. Because the encroachments occurred more than 30 years ago, the trees have adapted to the presence of the driveway. Thus, removal of the driveway may result in a greater likelihood of the trees falling, especially south of the driveway. As a result, ERB did not recommend that the driveway be removed, and the ERB did not recommend any mitigation oak trees be planted as a result of these encroachments.

Project development is proposed less than 200 feet from H1 Habitat. As a result, a biological assessment was prepared and reviewed by the ERB. The ERB determined that the Project, with modifications, would be consistent with surrounding biological resources. More details regarding this review are provided in the “ERB Comments and Recommendations” section below.

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

The Project is consistent with applicable goals and policies of the General Plan and the Santa Monica Mountains Coastal Zone LUP. Consistency findings with these policies can be found in the attached Findings (Exhibit C – Findings).

ZONING ORDINANCE CONSISTENCY

The proposed Project, as conditioned to include the removal of the wooden footbridge, complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by County Code Sections 22.44.850 and 22.44.1150 D. The Burden of Proof with applicant’s responses is attached (Exhibit E – Applicant’s Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

ENVIRONMENTAL ANALYSIS

Staff recommends that this Project qualifies for a Categorical Exemption (Class 1 – Existing Facilities and Class 4 - Minor Alterations to Land) pursuant to the California Environmental Quality Act (“CEQA”) and the County Environmental Document Reporting Procedures and Guidelines.

Pursuant to Section 15301 of the State CEQA Guidelines, the Class 1 Categorical Exemption includes the existing driveway spur and swimming pool. 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, Staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA.

COMMENTS RECEIVED

A. ERB Comments and Recommendations

ERB review of the Project was required per County Code Section 22.44.1840 because the Project Site is located within H1 Habitat and within 200 feet of H1 Habitat. The applicant's biological analysis was reviewed by the Staff Biologist, who then submitted a recommendation that the ERB find the Project, with modifications, consistent with local biological resources. These modifications included retaining a biological monitor, a best management practices plan, screening of the Project Site and staking of grading limits, preparing surveys and restoration plans for nesting birds 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. No habitat on the Project Site was proposed for remapping. All of the ERB's recommended modifications have been included within the draft conditions of Project approval (Exhibit D – Conditions). The minutes from the ERB meeting of September 19, 2022, are also attached (Exhibit F – ERB Minutes).

B. County Department Comments and Recommendations

1. The Department of Parks and Recreation, on September 29, 2020, recommended that the Project proceed to a public hearing without conditions. This clearance was issued through the County's electronic permit tracking system, EPIC-LA.
2. The Department of Public Works, in a letter dated November 2, 2020, recommended that the Project proceed to a public hearing without conditions.
3. The Department of Public Health, in a letter dated June 15, 2021, recommended that the Project proceed to a public hearing without conditions.
4. The Fire Department, on an approved access plan dated March 7, 2024, recommended that the Project proceed to a public hearing without conditions.

All of the letters cited above are attached to this report (Exhibit I – Agency Correspondence).

C. Other Agency Comments and Recommendations


Staff has received no other agency comments or recommendations at this time.

D. Public Comments

Staff has not received any public comments regarding the Project at this time.

Report

Reviewed By:



Robert Glaser, Supervising Regional Planner

Report

Approved By:

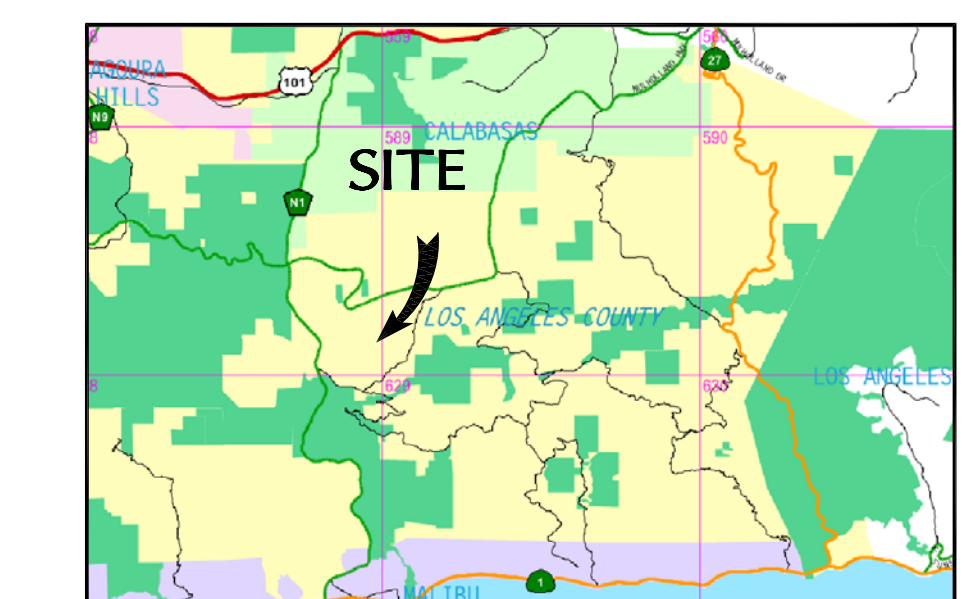
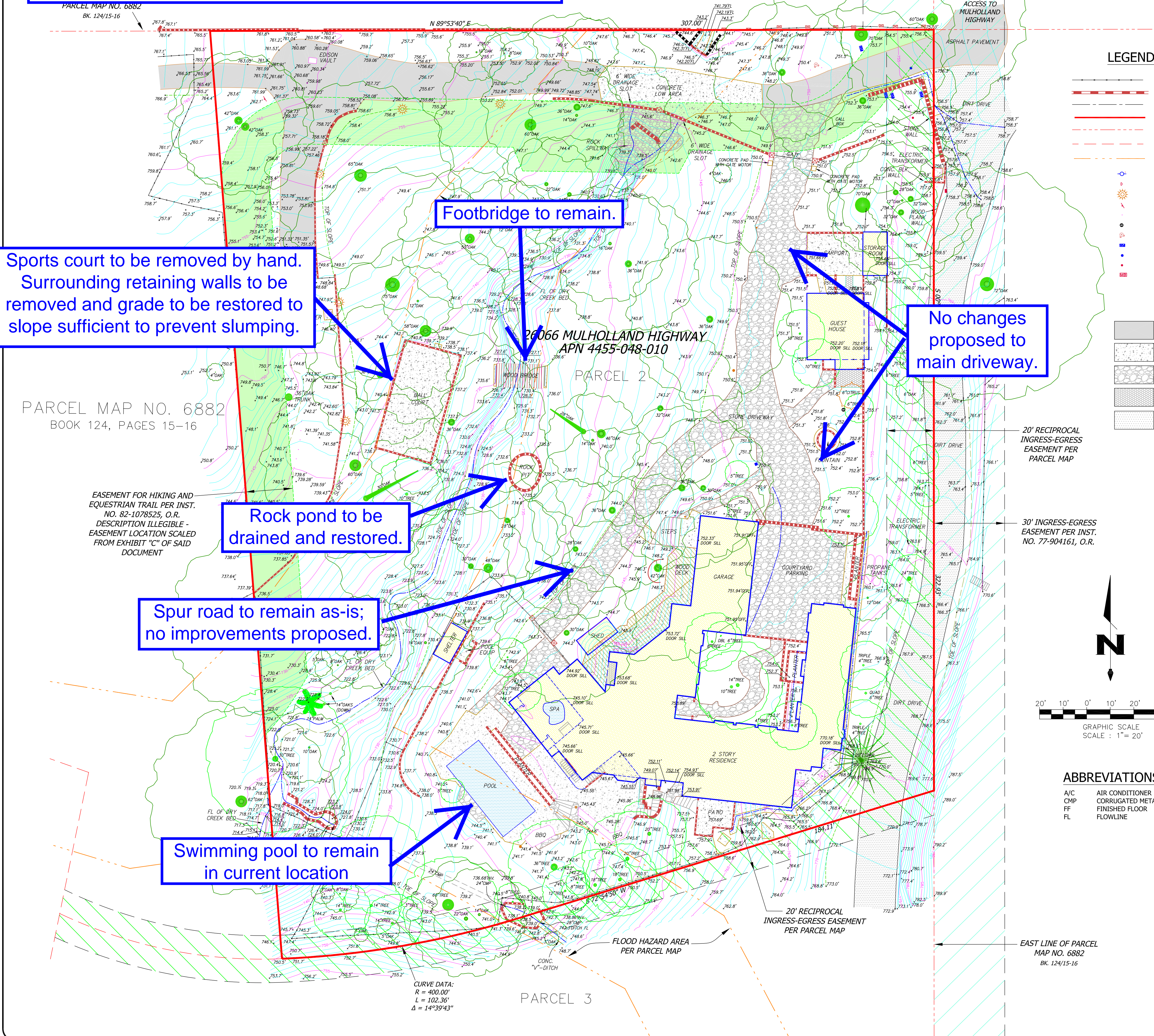


Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS

EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Findings
EXHIBIT D	Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	ERB Minutes (9/19/22)
EXHIBIT G	Informational Maps
EXHIBIT H	Photos
EXHIBIT I	Agency Correspondence
EXHIBIT J	Environmental Determination

Revised project description exhibit



VICINITY MAP
NO SCALE

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL 2 OF PARCEL MAP NO. 6882, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 124, PAGE(S) 15 THROUGH 16, INCLUSIVE OF PARCEL MAPS, THEREAFTER "CERTIFICATE OF CORRECTION" FOR SAID PARCEL MAP, DATED APRIL 16, 1980, RECORDED APRIL 17, 1980, AS INSTRUMENT NO. 1980-389864 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TAX ASSESSOR'S NUMBER: 4455-048-010

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THOSE PORTIONS OF PARCELS 1 THROUGH 3, INCLUSIVE OF PARCEL MAP NO. 6882, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 124, PAGE(S) 15 THROUGH 16, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN THE LINE OF THAT CERTAIN RECIPROCAL EASEMENT AS SHOWN ON SAID MAP.

NOTES:

1. THE MAP SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, ADDITIONAL EASEMENTS IF ANY ARE NOT SHOWN.
2. BOUNDARIES SHOWN HEREON ARE FROM RECORD PER PARCEL MAP NO. 6882, BK. 124/15-16.
3. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
4. TREELINE CANOPIES ARE PICTORIAL AND MAY NOT REFLECT TRUE DRIPLINES.
5. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
6. THIS IS NOT A MAP OF A BOUNDARY SURVEY. NO PROPERTY CORNERS HAVE BEEN SET AS A PART OF THIS WORK. BOUNDARIES SHOWN HEREON ARE CALCULATED FROM RECORD INFORMATION OBTAINED FROM GOVERNMENTAL AGENCIES. A FORMAL BOUNDARY SURVEY AND RECORD OF SURVEY FILED WITH THE COUNTY SURVEYOR IS REQUIRED TO DETERMINE THE EXACT BOUNDARY LOCATION.
7. THE SUBJECT PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND ARE FOR GRAPHICAL PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION TIES. THE BEARINGS AND DISTANCES SHOWN ALONG THE SUBJECT PROPERTY LINES ARE ALSO FOR GRAPHICAL PURPOSES ONLY. CHRIS NELSON & ASSOCIATES DID NOT PERFORM A BOUNDARY RESOLUTION. A FIELD SURVEY MAY INDICATE DIFFERENCES IN ACTUAL LOCATIONS.
8. SURVEY MONUMENTS FOUND IN THE COURSE OF THIS MAPPING ARE SET BY OTHERS, AND HAVE BEEN USED ONLY AS REFERENCE FOR THE PURPOSE OF TOPOGRAPHICAL MAPPING, WITHOUT OUR VERIFICATION OF THEIR AGREEMENT WITH APPLICABLE LEGAL DESCRIPTIONS AND SENIORITY OF DEEDS.
9. RELATION OF TOPOGRAPHIC FEATURES (FENCES, WALLS, TREES, UTILITY POLES, ETC.) TO PROPERTY LINES AS SHOWN HEREON IS SUBJECT TO THE ADJUSTMENT THAT A BOUNDARY SURVEY MAY REQUIRE.

BENCH MARK:

B.M. NO. DY6462 NAVD 1929 COUTY OF LOS ANGELES DATUM

FOUND RDBM TAG IN WLY ROCK WALL OF DRAIN 22' N/O C/L MULHOLLAND HWY & 1.2 MI. E/O STOKES CYN RD @ MI MKR #23.57

ELEVATION = 818.77 FEET (ADJUSTMENT OF 2008)

FLOOD ZONE

THIS PROPERTY LIES IN FLOOD ZONE D - AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE PER FIRM COMMUNITY PANEL NO. 06037C1529F DATED SEPTEMBER 26, 2008.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SOUTH LINE OF THE N.W. 1/4 OF SECTION 8 AS SHOWN ON THE MAP OF 215RS58 AS N 89°27'45" W.

REVISION NOTES

DATE	DESCRIPTION	BY
01-30-2019	ADDED 24" & 36" OAK TREE TRUNKS NEAR WLY PROPERTY LINE	SDN

PREPARED BY:

Chris Nelson
& Associates, Inc.
PROFESSIONAL LAND SURVEYORS
31238 Via Collins Suite C Westlake Village, CA 91362
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:

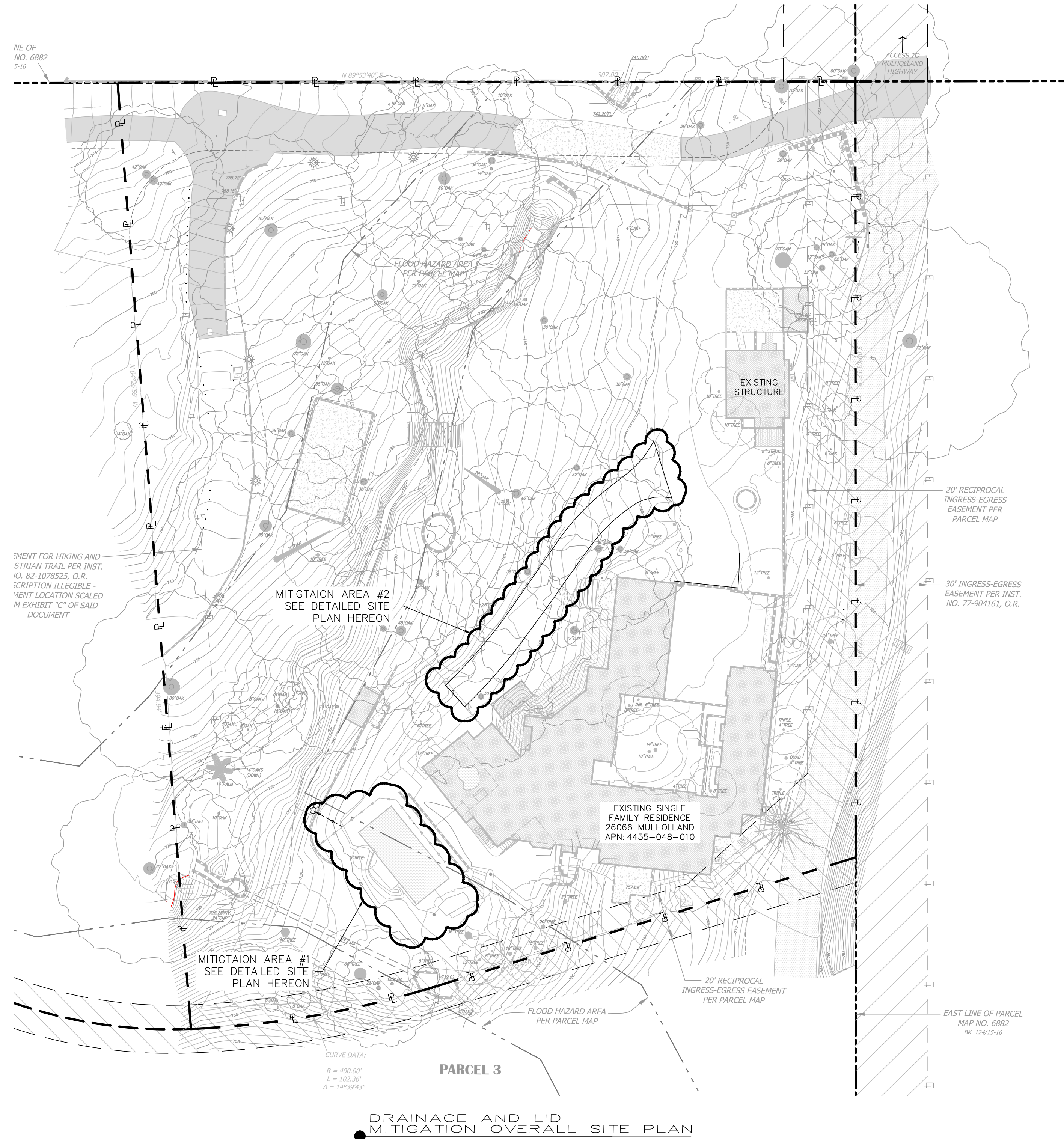
ROBERT DUNCAN
15215 SHADY GROVE DR. #201
ROCKVILLE, MARYLAND 20850

TOPOGRAPHIC SURVEY
PARCEL 2 OF PARCEL MAP NO. 6882
BOOK 124, PAGE(S) 15 THROUGH 16
26066 MULHOLLAND HIGHWAY,
CITY OF CALABASAS, COUNTY OF LOS ANGELES

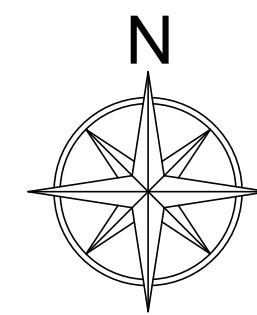
JOB NO. 18-4633
SCALE: 1" = 20'
DATE: JULY 2018
DRAFTED: TMH

SHEET NO.
1
OF 1 SHEET

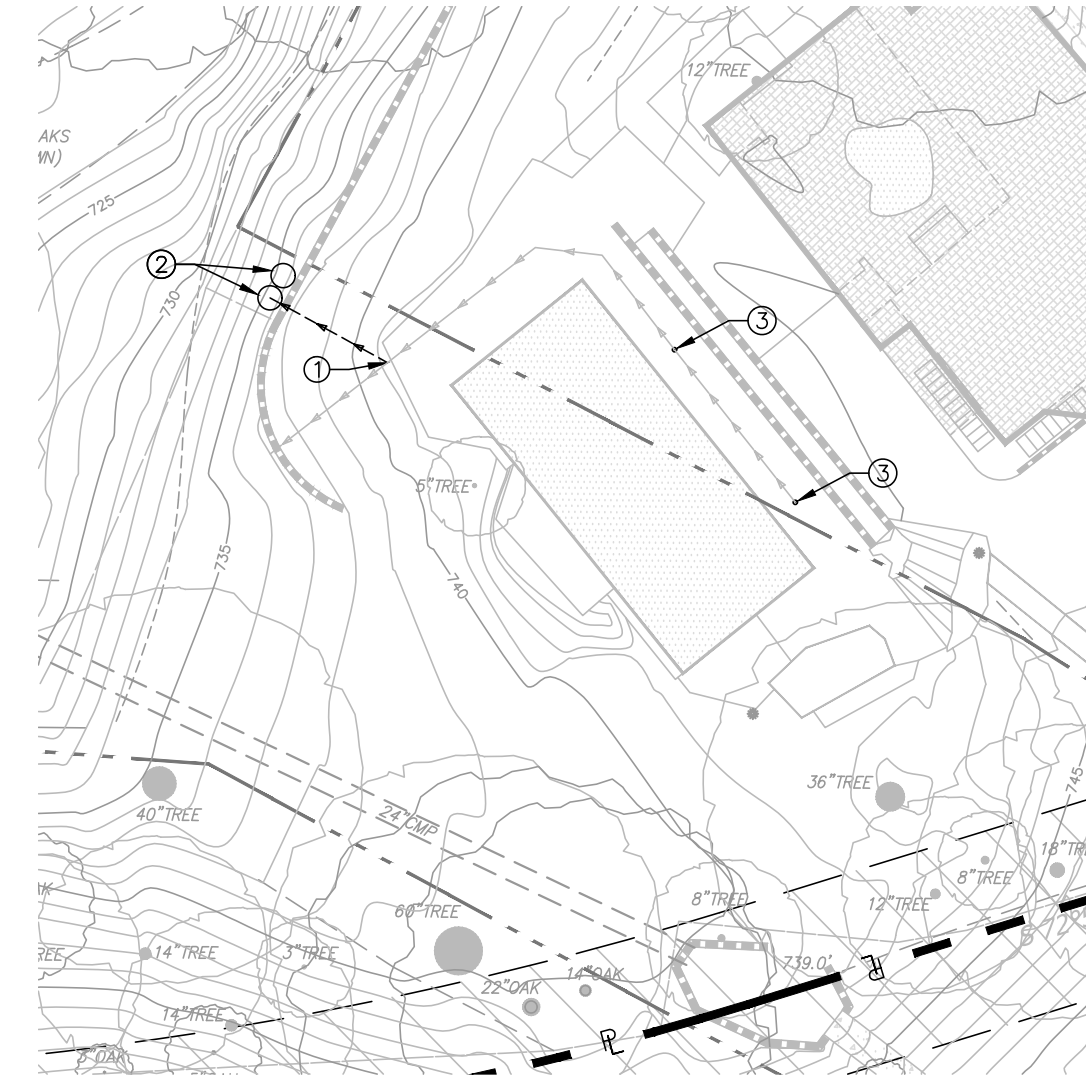
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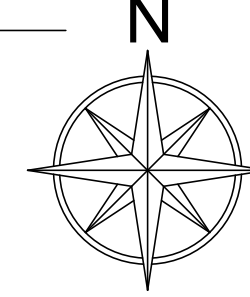
● DRAINAGE AND LID MITIGATION OVERALL SITE PLAN



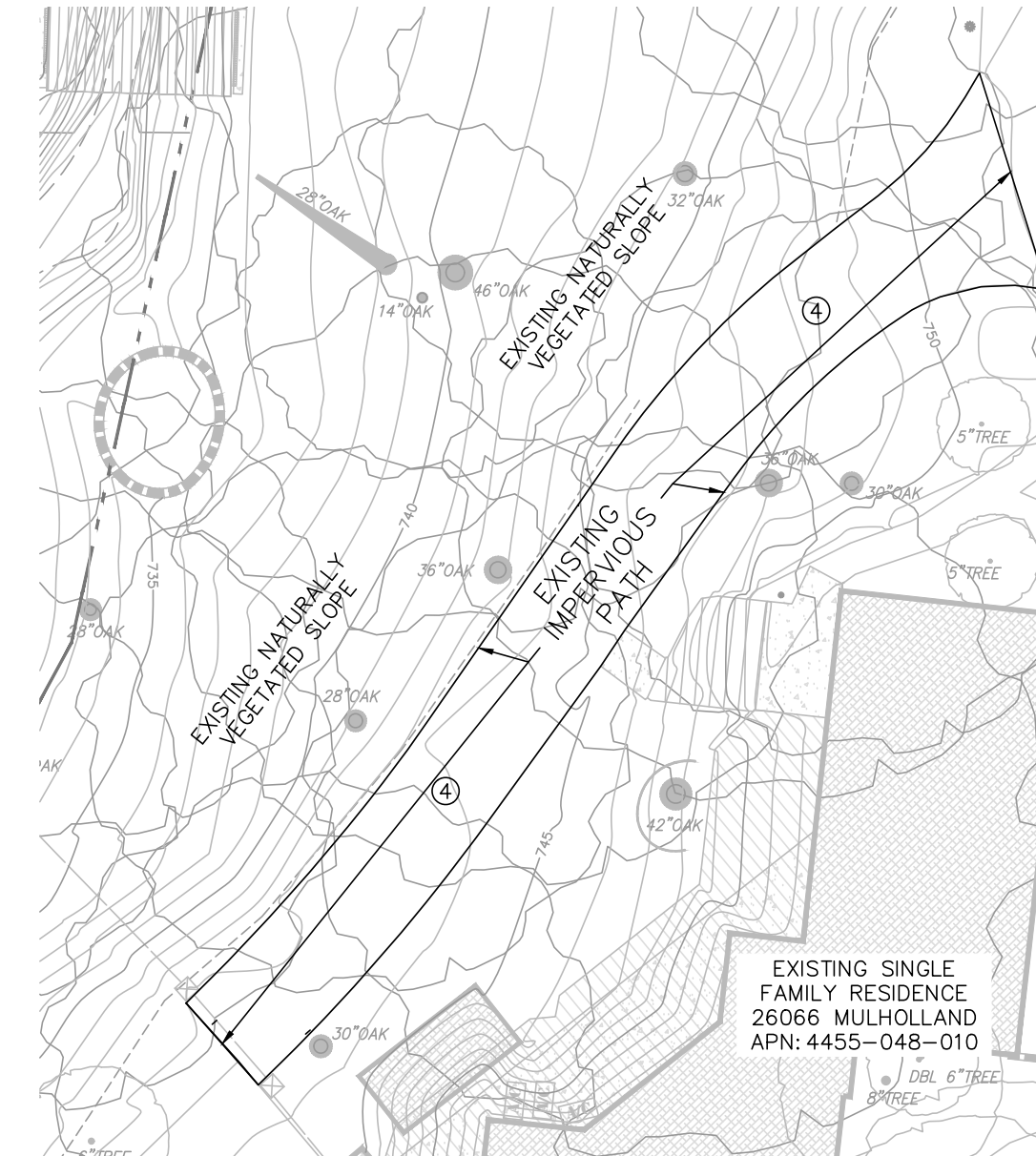
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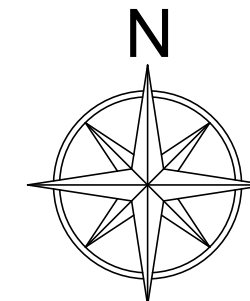
● MITIGATION AREA #1 DRAINAGE AND LID DETAIL



0' 20' 40'



● MITIGATION AREA #2 DRAINAGE AND LID DETAIL

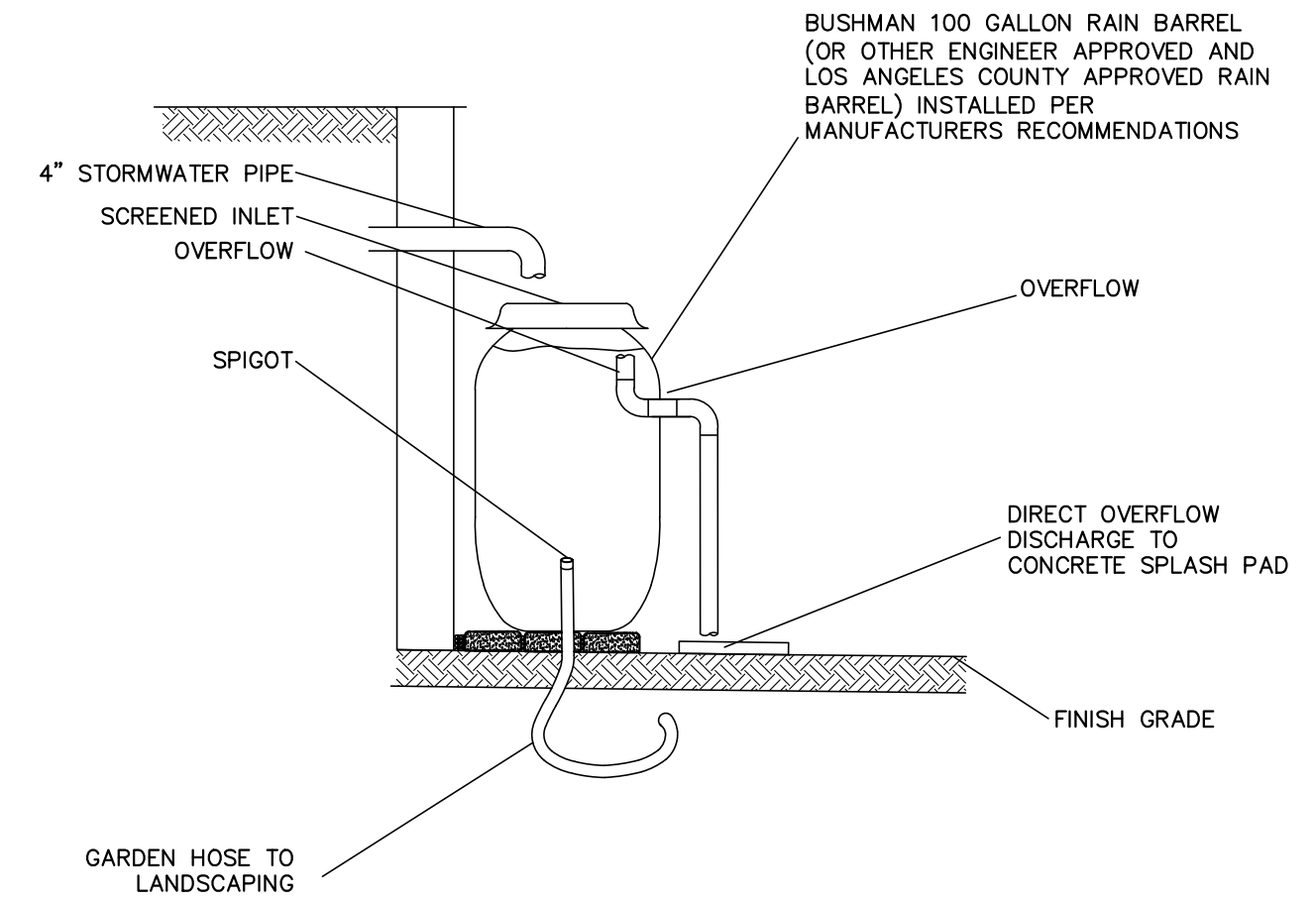


0' 20' 40'

ABBREVIATION	DESCRIPTION
BOF	BOTTOM OF FOUNDATION ELEVATION
EG	EXISTING GRADE ELEVATION
FF	FINISHED FLOOR ELEVATION
FG	FINISHED GRADE ELEVATION
FS	FINISHED SURFACE ELEVATION
HP	HIGH POINT ELEVATION
HT	HEIGHT OF WALL FROM FS (DOES NOT INCLUDE HEIGHT OF FOOTING)
INV	INVERT ELEVATION
OC	ON CENTER
R&R	REMOVAL AND RECOMPACTION
SPPWC	STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION
TW/TOW	TOP OF WALL ELEVATION
TG	TOP OF GRATE ELEVATION
TBD	TO BE DETERMINED BY CONTRACTOR IN FIELD
WW	WASTEWATER

LINE TYPE	DESCRIPTION
---	PROPERTY LINE
---	EXISTING MAJOR CONTOURS
---	EXISTING MINOR CONTOURS
---	PROPOSED MAJOR CONTOURS
---	PROPOSED MINOR CONTOURS
---	ROAD CENTERLINE
---	4" SDR 35 PVC PIPE AT 2% MIN SLOPE
---	APPROXIMATE LOCATION OF EXISTING STORMWATER PIPE

- # DESCRIPTION
- APPROXIMATE LOCATION OF EXISTING STORMWATER PIPE AS OBSERVED IN THE FIELD. CONNECT PROPOSED STORMWATER PIPE TO EXISTING PIPE AND ROUTE TO PROPOSED RAIN BARRELS.
 - RAIN BARREL PER DETAIL HEREON FOR A TOTAL OF 200 GALLON MINIMUM OF RAIN BARRELS
 - APPROXIMATE LOCATION OF EXISTING AREA DRAIN AS OBSERVED IN THE FIELD.
 - DIVERT RUNOFF AND DISCONNECT IMPERVIOUS SURFACE LID - EXISTING IMPERVIOUS PATH DRAINS TO PERMEABLE SLOPE. EXISTING IMPERVIOUS AREA IS 1619 FT². PERVIOUS AREA BEING DRAINED TO IS OVER 3238 FT² AND SATISFIED THE OVER 2:1 PERMEABLE TO IMPERMEABLE RATIO PER TITLE 12, CHAPTER 12.84(10)



NOTES:

SECTION
NOT TO SCALE

- SCREENS ARE PRESENT ON ALL RAIN BARREL INLETS TO REMOVE DEBRIS AND LARGER PARTICLES AS THE WATER ENTERS THE BARREL. REMOVABLE CHILD-RESISTANT COVERS AND MOSQUITO SCREENING ARE IN PLACE.
- BARREL IS CHILD SAFE: ACCESS IS CHILD-PROOF AND THE BARREL IS PROPERLY SITED AND ANCHORED ON A STABLE SURFACE TO PREVENT BARREL FROM TIPPING OVER.
- ABOVE-GROUND BARRELS SHALL NOT BE LOCATED ON UNEVEN OR SLOPED SURFACE. IF INSTALLED ON A SLOPED SURFACE, THE BASE WHERE THE BARREL IS INSTALLED HAS BEEN LEVELED USING APPROPRIATE CONSTRUCTION MATERIAL PRIOR TO INSTALLATION.
- INSTALLED RAIN BARRELS SHALL NOT BE PLACED ON ELEVATED PLATFORMS, DECKS OR PORCHES WITHOUT CONSULTING LOCAL BUILDING CODE OFFICIALS.
- DIRECT OVERFLOW DISCHARGE TO CONCRETE SPLASH PAD
- RAIN BARRELS SHALL BE OPAQUE AND DARK IN COLOR TO PREVENT UV LIGHT PENETRATION AND DISCOURAGE ALGAE GROWTH.
- BARREL PLACEMENT SHALL ALLOW EASY ACCESS FOR REGULAR MAINTENANCE.

● DETAIL #1 RAIN BARREL DETAIL (NTS)

REVISIONS:
REV | BY | DATE

AHSIRT
ENGINEERING
360 MILLER WAY
PACIFIC PALMS, CA 93420
PH: 805-474-1004

DRAINAGE AND LID MITIGATION PLAN
FOR APPROVAL ONLY - NOT FOR CONSTRUCTION
26066 MULHOLLAND
CALABASAS, CA

JOB #: 105-14
DATE: FEBRUARY 2023
DRAWN BY: TJM
CHECKED BY: TAC
SHEET NUMBER:

1 OF 1



PROJECT NUMBER **HEARING DATE**

2020-000089-(3)

07/16/2024

REQUESTED ENTITLEMENTS

Minor Coastal Development Permit No.
RPPL2020006422

PROJECT SUMMARY

OWNER / APPLICANT

Martin and Anna Donlon / Arfakhashad Munaim

MAP/EXHIBIT DATE

08/02/2022

PROJECT OVERVIEW

Minor Coastal Development Permit for the removal of several unpermitted improvements that encroach into the protected zones of 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, all of which are associated with an existing 6,827-square-foot single-family residence on a 2.5-acre lot. The improvements 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. An existing swimming pool to the west of the residence would be retained and approved in its current location, as would the driveway spur to the north of the residence. The applicant is also requesting approval of the wooden footbridge, but staff recommends denial of that request and is recommending a condition of approval requiring the removal of the wooden footbridge and restoration of the site to its natural state. The project site contains H3 and H1 Habitat. The sports court, rock pond, and wooden footbridge are located within H1 Habitat while the driveway spur and swimming pool are located within the H1 Habitat Buffer.

LOCATION

26066 Mulholland Highway, Calabasas

ACCESS

Mulholland Highway, a 75-foot-wide scenic highway to the north, via a 700-foot-long private driveway

ASSESSORS PARCEL NUMBER(S)

4455-048-010

SITE AREA

2.5 acres

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains Local Coastal Program

PLANNING AREA

Santa Monica Mountains

LAND USE DESIGNATION

RL10 (Rural Land—1 dwelling unit/10 acres maximum)

ZONE

R-C-10 (Rural Coastal—10 Acre Minimum Required Lot Area)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

1 dwelling unit

COMMUNITY STANDARDS DISTRICT

None

ENVIRONMENTAL DETERMINATION (CEQA)

Categorically Exempt (Class 1—Existing Facilities, Class 4—Minor Alterations to Land)

KEY ISSUES

- Consistency with the Santa Monica Mountains Local Coastal Program
 - Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.44.850 (Santa Monica Mountains Coastal Development Permit Burden of Proof)
 - 22.44.950 (Coastal Development Permit—Oak Tree Requirements)
 - 22.44.1750 (R-C Zone Development Standards)
-

CASE PLANNER:

Tyler Montgomery

PHONE NUMBER:

(213) 974-0051

E-MAIL ADDRESS:

tmontgomery@planning.lacounty.gov

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
DRAFT 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.** [RESERVED]
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.

ACTION DATE: July 16, 2024

MG:RG:TM

07/03/24

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.

SANTA MONICA MOUNTAINS COASTAL DEVELOPMENT PERMIT FINDINGS

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

The proposed CDP is for the after-the-fact approval of a driveway spur and improvements to the same, which includes increasing portions of the width of the access road from 12'-15', and the construction of a Fire Department-compliant hammerhead turnaround. The subject application is also for the after-the-fact approval of a small wooden footbridge and a new concrete pad for the purposes of placing a permanent generator on it.

The driveway spur is surrounded by Oak trees whose canopy driplines are within the existing spur and the "construction zone" (i.e. the area that is slated for improvements). The improvements are required by the LA County Fire Department in order to make the access road more fire department compliant. Specifically, to allow for a staging area of the fire truck and to comply with their Department's hose pull requirement. This area is mapped as H3 per both the County maps and per the project's consulting Biologist, Dan Cooper.

With respect to the footbridge, per Mr. Cooper, it appears to have little impact on either the stream or the oak woodland, as it is a simple wooden structure situated high above the streambed (>6' up from the water), and does not appear to be encouraging the establishment of weedy species.

As the property is zoned R-C-10, the LIP allows for such uses and as such, the project is in conformity with the certified LCP.

B. That any development located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, is also in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

Not Applicable

SANTA MONICA MOUNTAINS COASTAL DEVELOPMENT PERMIT-OAK TREE FINDINGS

A. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees other than those proposed to be removed or encroached upon, that are subject to this section, if any, on the subject property;

The current property owner, Mr. Duncan, purchased this property without knowledge of the existing violation, which included the construction of the driveway spur. Per our Arborist, it appears that the trees over the years, have adapted to the surrounding conditions and are thriving within the environment. Furthermore, the cement may hold some beneficial value to the trees.

The pavement also provides weight on top of the roots which can also add to some benefiting factors. Leaning trees growing due to the loss of limbs or phototropism can use this cement weight to hold down the tree's tension side buttress roots. As gravitational or wind force pressure increase on the trees, the upward force of the tension side roots will be held down by the pavement foundation.

While portions of the driveway spur are to be widened for the purposes of the LA County Fire Department, the project Arborist has acknowledged that the partial widening of the driveway (short of the southwest gate on the property), could be accomplished without endangering the health of the trees.

On the contrary, if the driveway spur is removed, it would, per our Arborist, increase the risk of failure to the trees, that may be depending on the weight of the cement to support tension roots.

B. That the encroachment, removal, or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;

As noted in the Arborist's report, the construction of the driveway hammerhead turnaround and partial widening of the existing spur road could be done without heavily impacting the area around the Oaks with the highest amount of vigor. The Arborist also discusses the three feet of cement that could be added to the topsoil and fill in the erosion zones to level the current driveway. Furthermore, a retaining wall could be constructed on the downward slope side of the driveway to prevent erosion.

C. That the proposed removal or encroachment is consistent with the development standards detailed in subsection G of this section and all other applicable LIP standards; and

The project does not entail the removal of any Oak trees. The encroachments are pursuant to the existing driveway spur, including the expansion of portions of the driveway for Fire Department compliance purposes. As noted, it appears that the trees over the years, have adapted to the surrounding conditions and are thriving within the environment. Furthermore, the cement may hold some beneficial value to the trees.

Per LIP 22.44.950 G1, new development shall be sited and designed to preserve Oak trees to the maximum extent feasible. The expansions of the driveway spur (i.e. partial widening) is only occurring in areas where the Arborist has deemed that the impacts will not be detrimental to the trees. Furthermore, the widening is sited to prevent any encroachment into the protected zone of individual Oak trees to the maximum extent feasible.

D. That where oak tree removal or encroachment is not proposed concurrently with and to accommodate other new development, in addition to the above facts, at least one of the following findings apply:

- 1. That the oak tree(s) proposed for encroachment, removal, or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than encroachment or removal of the tree(s); or**
- 2. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices and the tree(s) is located in proximity to existing development, or in other areas where falling limbs or trunks would be a danger to public safety.**

Not Applicable.

E. For purposes of interpreting this section, it shall be specified that while relocation is not prohibited by this section, it is a voluntary alternative offering sufficient potential danger to the health of a tree as to require the same findings as for removal of an oak tree.

The project does not include the relocation of any Oak trees.

SANTA MONICA MOUNTAINS COASTAL DEVELOPMENT PERMIT IN BIOLOGICAL RESOURCE AREAS FINDINGS

A. That the requested development is sited and designed to avoid H1 Habitat and areas within 100 feet of H1 Habitat except as permitted by Sections 22.44.1800 through 22.44.1950;

The subject CDP is for the after-the-fact approval of a driveway spur, including improvements to the same (increase portions of the width of the access road from 12'-15', including the construction of hammerhead turnaround). The subject application also includes the request for the after-the-fact approval of a small wooden footbridge and a new concrete pad for the purposes of placing a permanent generator on it.

With respect to the existing driveway spur, although it is located within the H1 Buffer, it is also located within H3 Habitat and within the fuel modification zone of the existing, legally-permitted single-family residence. Per the project's consulting Biologist and Arborist, respectively, the retainment of the spur road, including the improvements to the same, will not have any impacts to biota, nor the Oaks.

The small wooden footbridge over a seasonal creek bisects the property. As noted by the consulting Biologist, the footbridge appears to have little impact on either the stream or the Oaks, as it is a simple wooden structure situated high above the streambed (>6' up from the water), and does not appear to be encouraging the establishment of weedy species.

The small concrete pad for the placement of generator is located adjacent to the existing home within H3.

B. That the requested development is sited and designed to avoid the 100-foot Quiet Zone except as set forth herein;

There is no development proposed in the 100-foot Quiet Zone.

C. That the requested development is sited and designed to avoid H2 "High Scrutiny" and H2 Habitat to the maximum extent feasible. Where avoidance is not feasible and it is necessary to allow the owner a reasonable economic use of the property, the requested development is sited and designed to minimize and mitigate significant adverse impacts in conformance with the policies and provisions of the LCP;

The property does not contain any H2 "High Scrutiny." There is minimal H2 located at the SW and SE borders of the property; however, they will not be impacted by any development.

D. That the requested development is sited and designed to avoid wildlife movement corridors (migratory paths) to the maximum extent feasible to ensure these areas are left in an undisturbed and natural state. Where avoidance is not feasible and it is necessary to allow the owner a reasonable economic use of the property, the requested development is sited and designed to minimize significant adverse impacts in conformance with the policies and provisions of the LCP;

The Biologist observed a normal and expected amount of wildlife activity during the site visit, given the time of year. Wildlife movement through the property is limited to climbing and other highly mobile species such as birds, squirrels, etc., since the perimeter of the subject property is fenced with a permitted plaster wall. The development should not have any impacts to the wildlife movement.

E. That roads and utilities serving the proposed development are located and designed so as to avoid H1 Habitat, H1 buffer, and to avoid or minimize significant adverse impacts to H2 "High Scrutiny," and H2 Habitat, and migratory paths.

As noted, the existing driveway spur, although located within the H1 Buffer, is also located within H3 Habitat and within the fuel modification zone of the existing, legally-permitted single-family residence. The property does not contain any H2 "High Scrutiny." There is minimal H2 located at the SW and SE borders of the property; however, they will not be impacted by any development.

MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Unincorporated Coastal Zone, Santa Monica Mountains, Los Angeles County
Virtual Meeting of September 19, 2022

Present:

ERB Members

Nicholas Alegria
Katherine Pease
Richard Ibarra
Travis Longcore, PhD (Vice Chair)
Danielle Le Fer

Regional Planning Staff

Joseph Decruyenaere, Senior Biologist
Tyler Montgomery, Planner
Iris Chi, ERB coordinator

PART I: PRELIMINARY BUSINESS

1. Roll call.
2. Coordinator read virtual meeting instructions.
3. No hybrid meeting protocol announced. Rosi Dagit will be resigning from ERB. This is her last meeting. Coordinator to check to see if a formal resignation letter is required.

PART II: APPROVAL OF MINUTES

4. Approval of minutes from June 27, 2022 ERB meeting. Unanimous consent to approve the minutes.

PART III: OLD BUSINESS

PART IV: NEW BUSINESS

5. Donlon Single-family Residence

Project No.: 2020-000089-(3)

Permit No.: Minor CDP RPPL2020006422

APN: 4455-048-010

Address: 26066 Mulholland Highway, Calabasas CA 91302

Location: Sleeper Canyon/Malibu Canyon Watershed

USGS Quad: Malibu Beach

Applicant: Nick Weidhaas, Schmitz & Associates

Biologist: Daniel S. Cooper, Cooper Ecological Monitoring

DRP Planner: Tyler Montgomery

DRP Biologist: Joe Decruyenaere

The Applicant proposes the removal of several unpermitted improvements that encroach into the protected zones six oak trees, as well as the retroactive approval of a swimming pool, wooden footbridge, and a 12-foot-wide, 130-foot-long driveway spur that encroaches into the protected zones of nine oak trees, all associated with an existing 6,827-square-foot single-family residence on a 2.5-acre lot. The improvements 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, which would be drained and restored. An existing swimming pool to the

west of the residence, which was originally approved within the alignment of the stream but ultimately constructed outside of the stream, would be retained and approved in its current location. A wooden footbridge to the northwest of the residence was constructed in the same location of a previously existing footbridge and would also be retained in its current location. The project site is accessed from Mulholland Highway, an 80-foot-wide scenic highway immediately to the north, through a 20-foot-wide paved easement with a length of 670 feet. The existing residence was legally constructed in 1989 with coastal development permits (CDP 5-82-142 and CDP 5-87-149). The subject parcel is surrounded by single-family residences to the north and east and single-family residences and open space to the south and west. ERB review is required, as areas proposed for development are less than 200 feet from mapped H1 Habitat. Land use designation is RL10, Rural Land—1 dwelling unit/10 acres; Zoning Code is R-C-10, Rural Coastal—10-Acre Minimum Lot Area. The project site currently contains H3 and H1 Habitat, with existing fuel modification associated with the single-family residence extending into H1 Habitat, which runs through the northwestern portion of the lot. No habitat is proposed to be remapped, and no new development of H1 Habitat is proposed, with the exception of removal and restoration of unpermitted development.

Resources: H1 Habitat, Sleeper Canyon/Malibu Canyon Watershed

ERB Comments:

- Need to revise the oak tree dbh in the oak tree report. Consultant may have added the dbh of multiple trunks.
- Access for removal of the pad can only be done across the creek. May need to remove the debris in a wheelbarrow across the bridge.
- The extent of the H1 habitat is determined by buffering the channel of the stream.
- There may be opportunity to plant willows on the banks of the creek to hold sediment. Discussion concluded that maybe not be ideal since the banks are 6 feet higher than the channel. May not be able to plant the willow stakes deep enough to root.
- Add the pond to the legalization of the pool.

ERB Motion:

- Conclude that the project is consistent with the applicable biological resource protection policies and development standards of the SMMLCP after modifications recommended by DRP Biologist and ERB, including a recommendation to remove the palm tree after surveying for nesting owl.

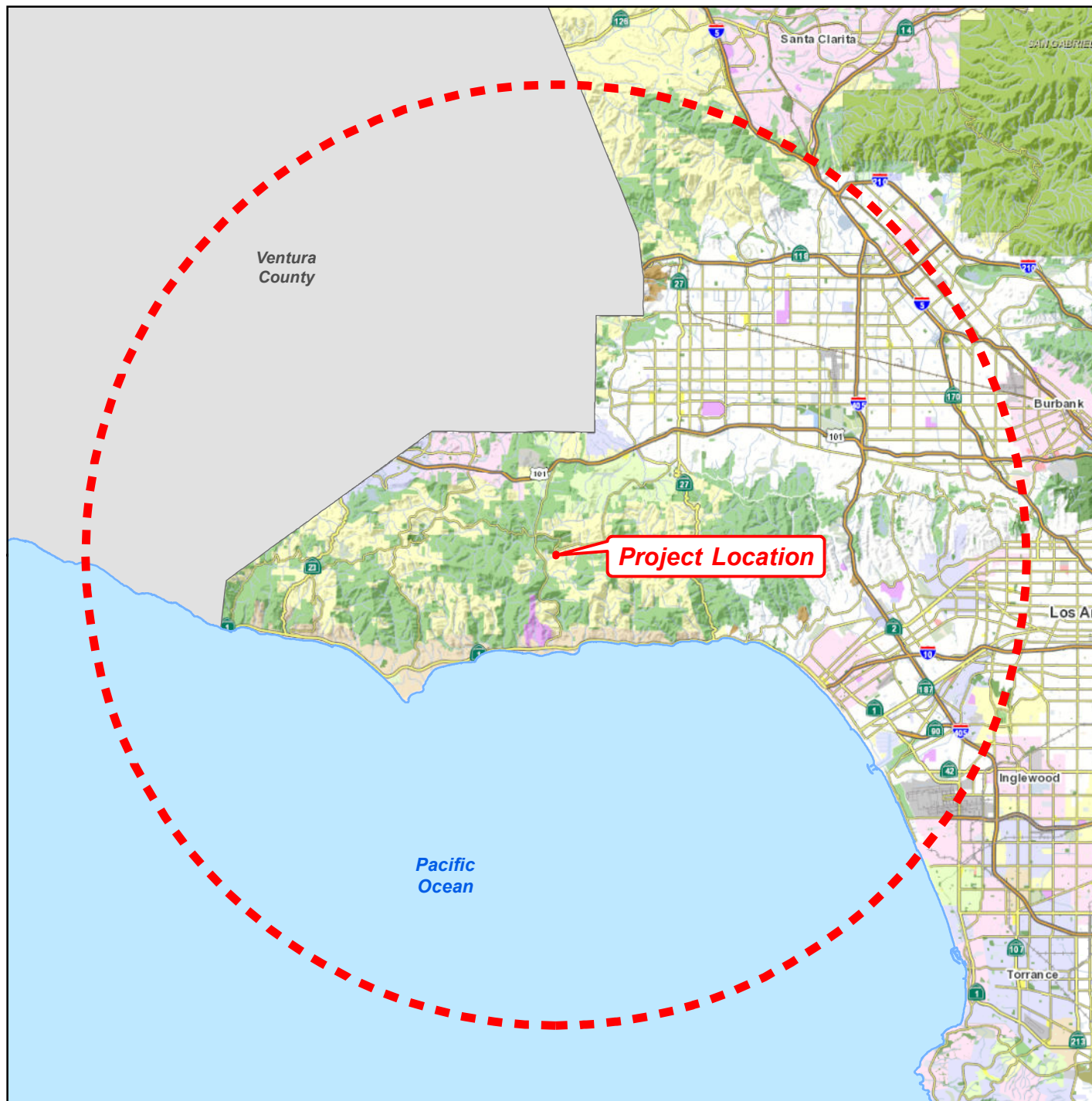
Motion/Second by Danielle/Pease, Vote – Ayes: unanimous

PART V: PUBLIC COMMENT

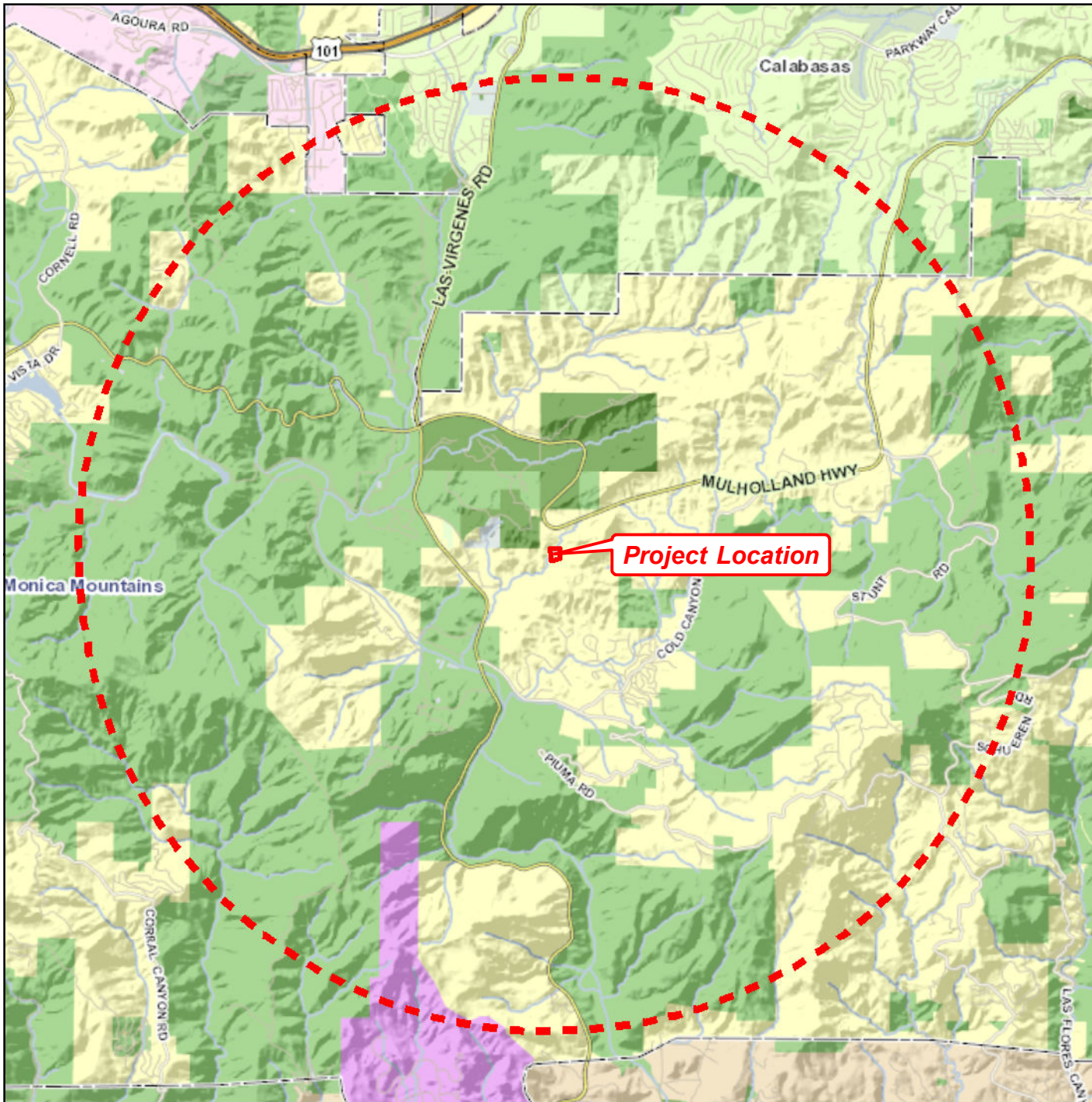
7. Public comment pursuant to Section 54954.3 of the Government Code. No request for public comments.

PART VI: ADJOURNMENT : Adjournment to 1:00 pm, October 17, 2022.

PROJECT NO. 2020-000089
MINOR CDP RPPL2020006422

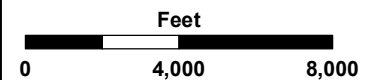
LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



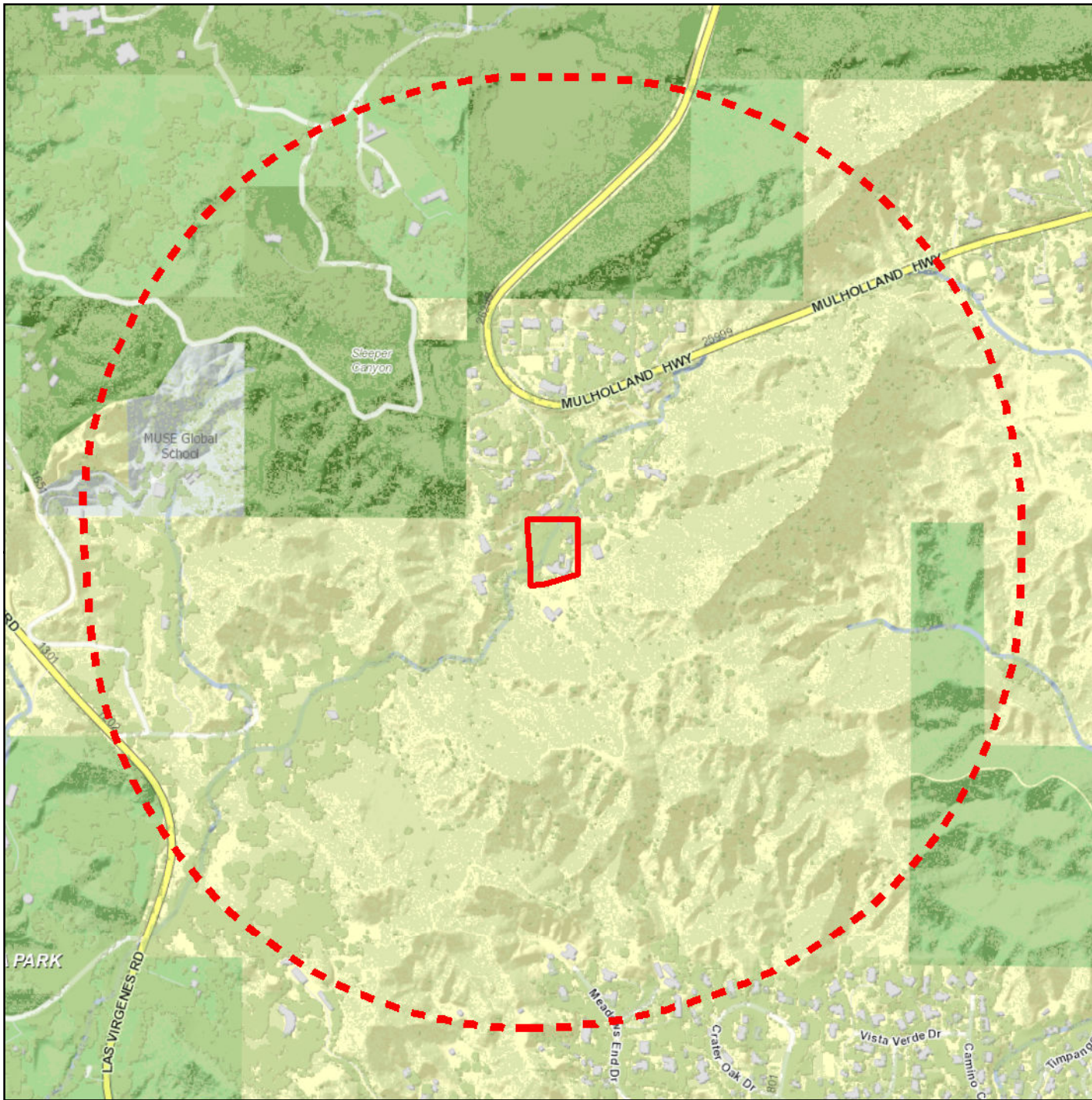
3-MILE RADIUS LOCATOR MAP

PROJECT NO. 2020-000089
MINOR CDP RPPL2020006422



LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

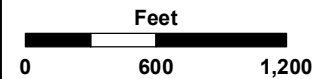


HALF-MILE RADIUS

LOCATOR MAP

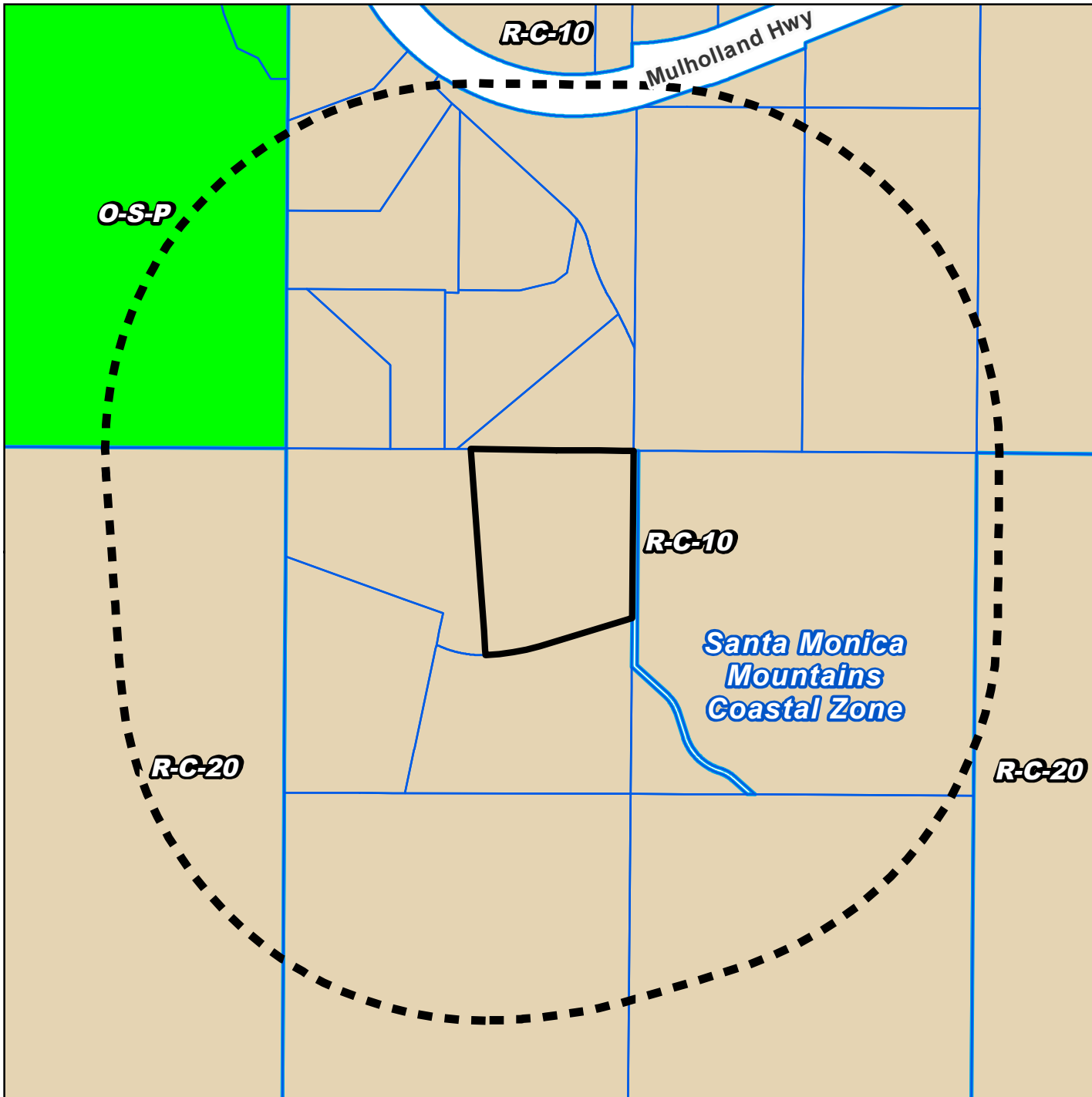
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MINOR CDP RPPL2020006422



LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



ZONING

700-FOOT RADIUS MAP

PROJECT NO. 2020-000089

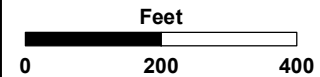
MINOR CDP RPPL2020006422



R-C - Rural Coastal

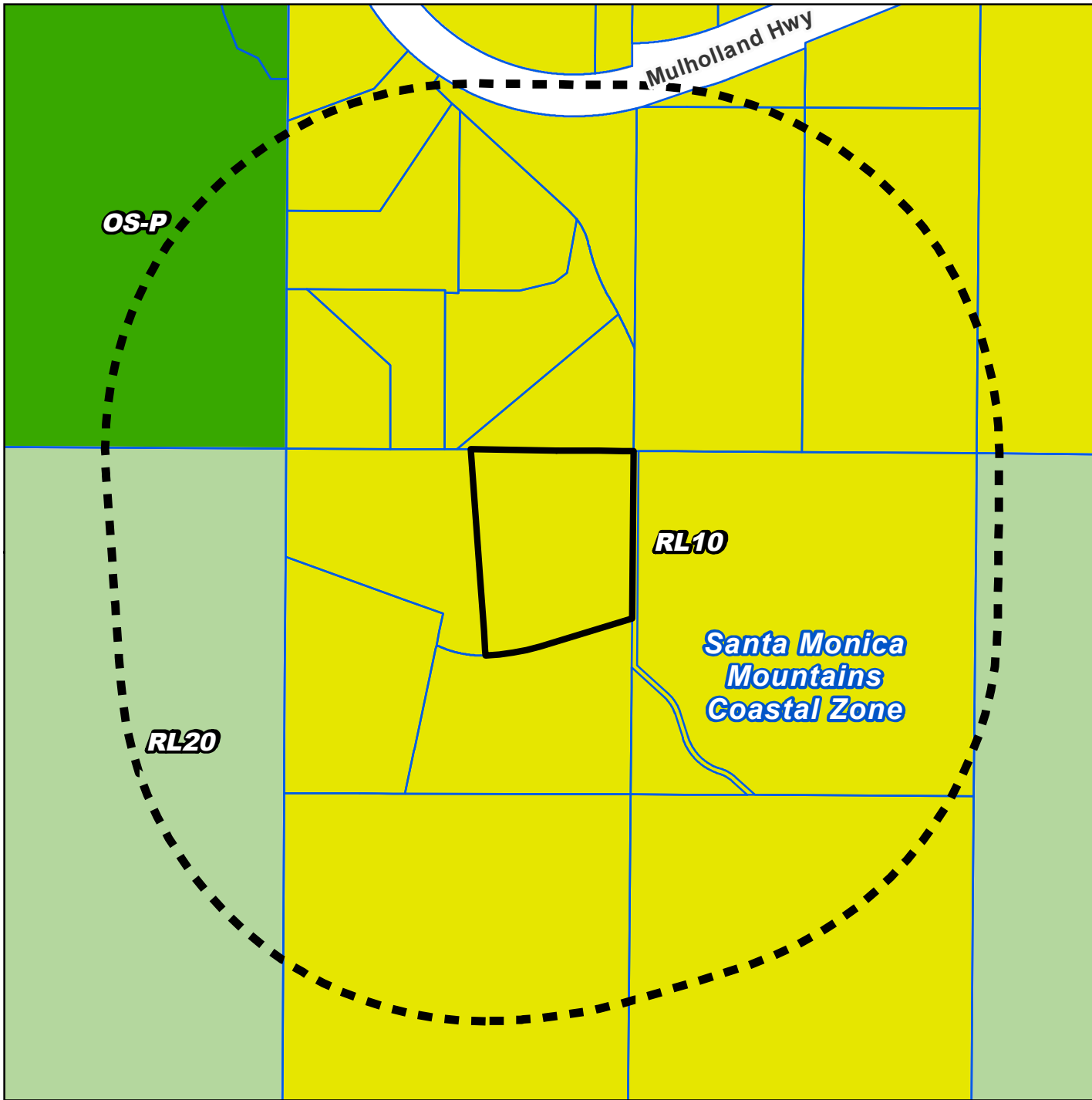


O-S-P - Open Space - Parks



LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



LAND USE POLICY

700-FOOT RADIUS MAP

PROJECT NO. 2020-000089

MINOR CDP RPPL2020006422

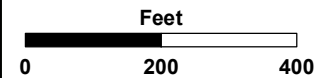
-  RL20 - Rural Lands (1 du / 20 ac)
-  RL10 - Rural Lands (1 du / 10 ac)
-  OS-P - Open Space-Parks

RL10

**Santa Monica
Mountains
Coastal Zone**

RL20

OS-P



**LA COUNTY
PLANNING**

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012



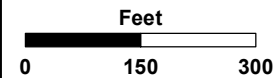
AERIAL IMAGERY

SITE-SPECIFIC MAP

PROJECT NO. 2020-000089

MINOR CDP RPPL2020006422

Digital Ortho Aerial Imagery:
Los Angeles Region Imagery
Acquisition Consortium (LARIAC)
2023

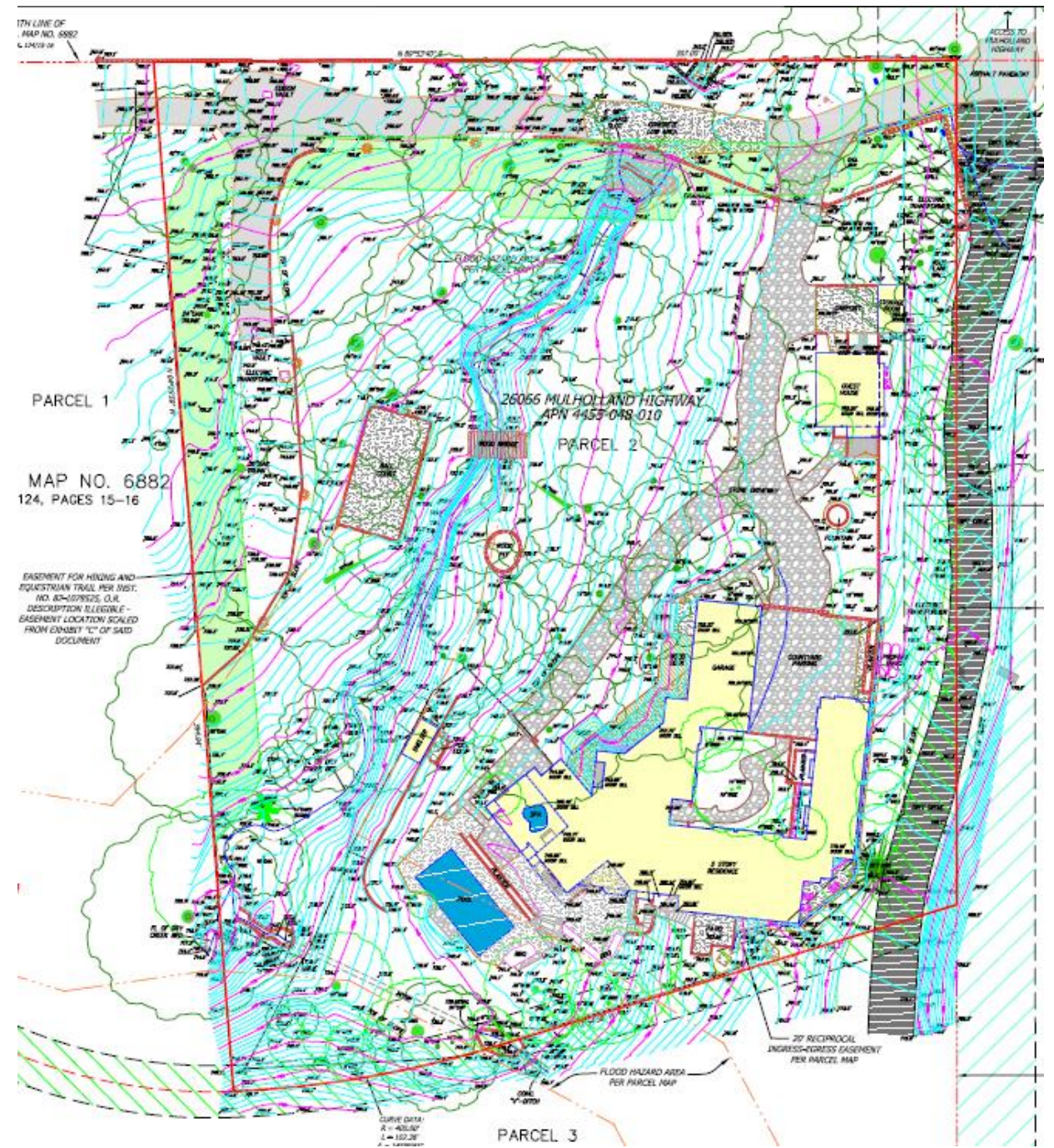


LA COUNTY
PLANNING

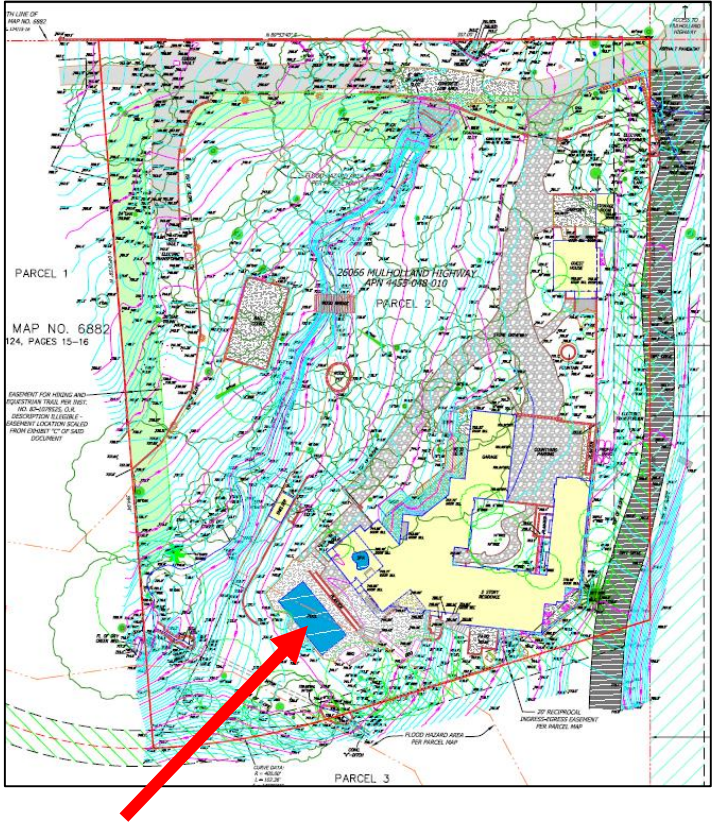
LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

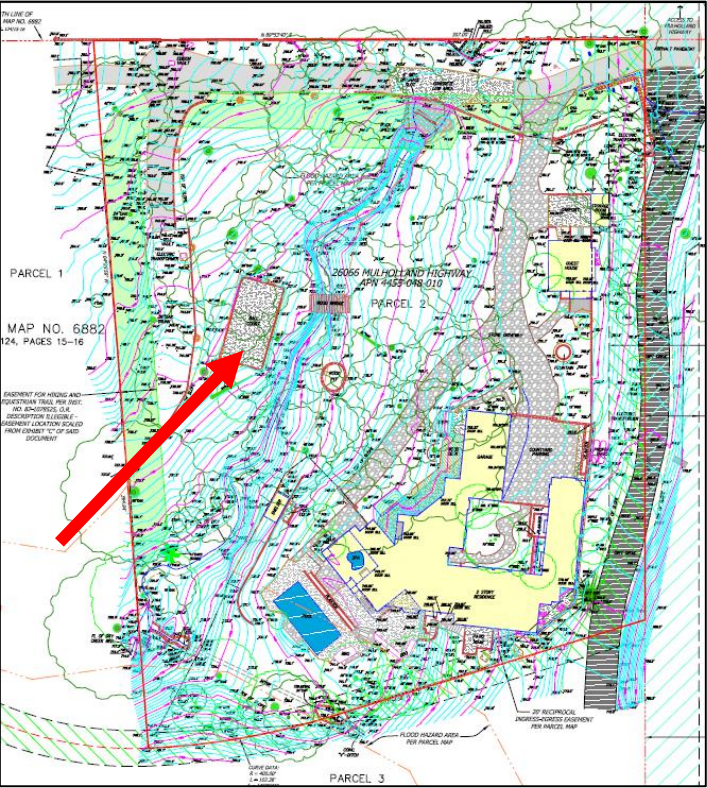
SITE PHOTOS WITH KEY

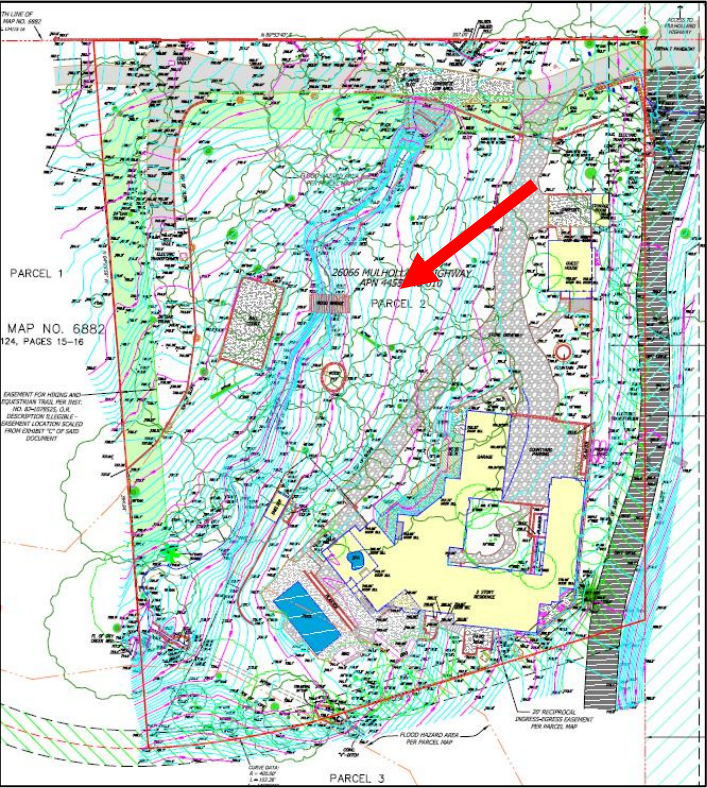
26066 Mulholland Hwy
(APN: 4455-048-010)



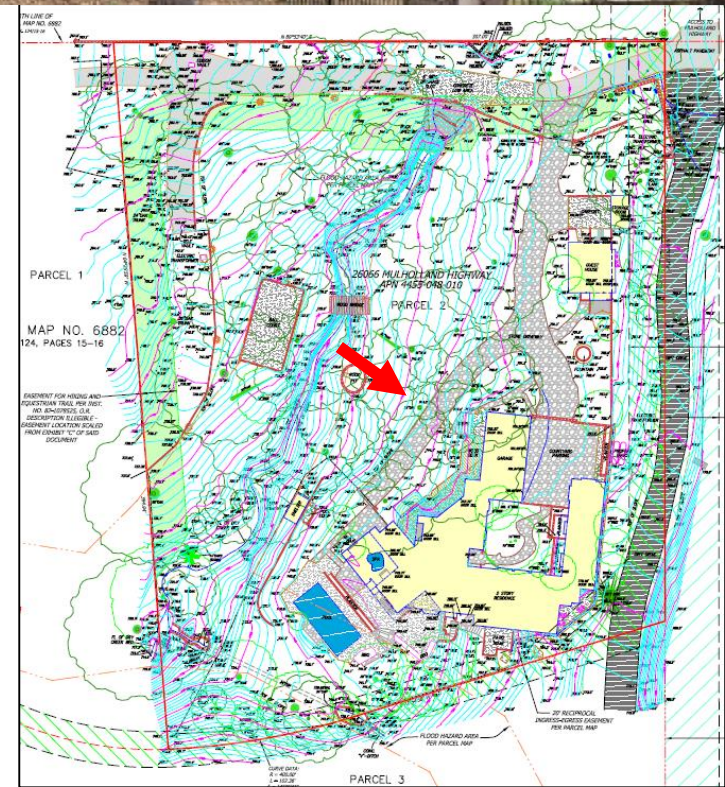




















MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

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

November 2, 2020

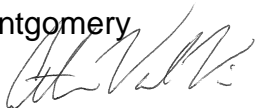
IN REPLY PLEASE

REFER TO FILE:

LD-4

TO: Rob Glaser
Zoning Permits Coastal Section
Department of Regional Planning

Attention Tyler Montgomery

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

**MINOR COASTAL DEVELOPMENT PERMIT (RPPL2020006422)
26066 MULHOLLAND HIGHWAY
ASSESSOR'S MAP BOOK 4455, PAGE 48, PARCEL 10
COUNTY UNINCORPORATED COMMUNITY OF SANTA MONICA MOUNTAINS**

Thank you for the opportunity to review the zoning application and site plan for the proposed project. The project is requesting a Minor Coastal Development Permit for the "after-the-fact" approval of enlarging portions of the access road width from 12 feet to 15 feet and construction of a hammerhead turnaround, a wooden footbridge, and a concrete pad for a permanent generator.

☒ Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.

☐ Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the following comments have been addressed:

1. Building & Safety

1.1. Prior to issuance of a grading or building permit:

- 1.1.1. Submit a grading/drainage plans to Public Works, Building and Safety Division (Calabasas/Malibu District Office), for review and approval of the proposed grading and retaining walls. The grading plans must show and call out the construction of, but not limited to, all drainage devices and details; paved driveways; elevation and drainage of all pads, retaining walls, water quality devices, and Low-Impact Development (LID) features; and all existing easements.

Rob Glaser
November 2, 2020
Page 2

- 1.1.2. Obtain approval from the Fire Department for the driveway access improvements.

For questions regarding the building and safety conditions, please contact RaChelle Taccone of Public Works, Building and Safety Division, at (626) 458-3164 or rtaccone@pw.lacountv.gov.

If you have any other questions or require additional information, please contact Toan Duong of Public Works, Land Development Division, at (626) 458-4921 or tduong@pw.lacounty.gov.

JD:la

P:\dpub\SUBPCHECK\Plan Checking Files\Single Lots\RPPL2020006422 - 26066 Mulholland Highway\DPW_Cleared_2020-10-26_RPPL2020006422.docx



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

June 15, 2021

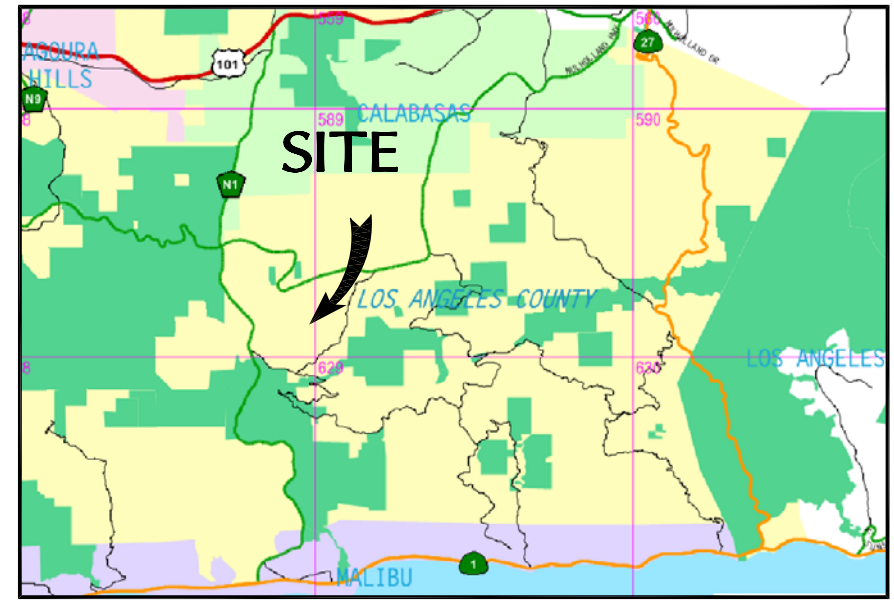
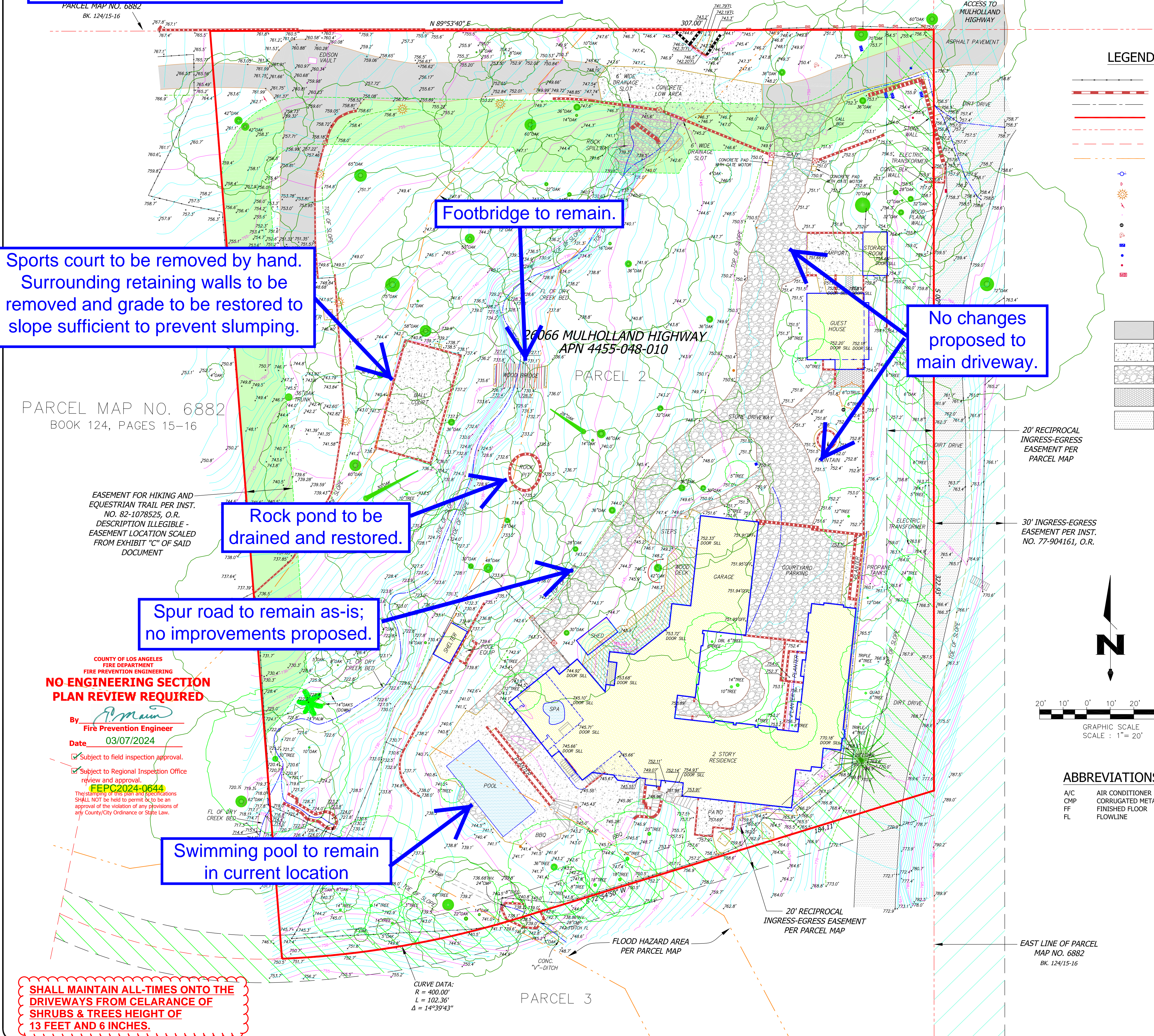
**CASE: RPPL2020006422
PROJECT: PRJ2020-000089
PLANNER: Montgomery, Tyler
LOCATION: 26066 Mulholland Highway Calabasas CA 91302**

The Department of Public Health-Environmental Health Division has reviewed this project to apply for a Minor Coastal Development Permit for an after-the-fact driveway spur, including improvements of a small wooden footbridge and a new concrete generator pad at the location indicated above. The applicant provided a June 9, 2021 approval for the existing septic system.

Public Health recommends approval of the above project.

Please contact Shayne LaMont, Land Use Program for any questions regarding this report: slamont@ph.lacounty.gov.

Revised project description exhibit



VICINITY MAP
NO SCALE

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL 2 OF PARCEL MAP NO. 6882, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 124, PAGE(S) 15 THROUGH 16, INCLUSIVE OF PARCEL MAPS, THEREAFTER "CERTIFICATE OF CORRECTION" FOR SAID PARCEL MAP, DATED APRIL 16, 1980, RECORDED APRIL 17, 1980, AS INSTRUMENT NO. 1980-389864 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TAX ASSESSOR'S NUMBER: 4455-048-010

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THOSE PORTIONS OF PARCELS 1 THROUGH 3, INCLUSIVE OF PARCEL MAP NO. 6882, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 124, PAGE(S) 15 THROUGH 16, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN THE LINE OF THAT CERTAIN RECIPROCAL EASEMENT AS SHOWN ON SAID MAP.

NOTES:

1. THE MAP SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, ADDITIONAL EASEMENTS IF ANY ARE NOT SHOWN.
2. BOUNDARIES SHOWN HEREON ARE FROM RECORD PER PARCEL MAP NO. 6882, BK. 124/15-16.
3. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
4. TREELINE CANOPIES ARE PICTORIAL AND MAY NOT REFLECT TRUE DRIPLINES.
5. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
6. THIS IS NOT A MAP OF A BOUNDARY SURVEY. NO PROPERTY CORNERS HAVE BEEN SET AS A PART OF THIS WORK. BOUNDARIES SHOWN HEREON ARE CALCULATED FROM RECORD INFORMATION OBTAINED FROM GOVERNMENTAL AGENCIES. A FORMAL BOUNDARY SURVEY AND RECORD OF SURVEY FILED WITH THE COUNTY SURVEYOR IS REQUIRED TO DETERMINE THE EXACT BOUNDARY LOCATION.
7. THE SUBJECT PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND ARE FOR GRAPHICAL PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION TIES. THE BEARINGS AND DISTANCES SHOWN ALONG THE SUBJECT PROPERTY LINES ARE ALSO FOR GRAPHICAL PURPOSES ONLY. CHRIS NELSON & ASSOCIATES DID NOT PERFORM A BOUNDARY RESOLUTION. A FIELD SURVEY MAY INDICATE DIFFERENCES IN ACTUAL LOCATIONS.
8. SURVEY MONUMENTS FOUND IN THE COURSE OF THIS MAPPING ARE SET BY OTHERS, AND HAVE BEEN USED ONLY AS REFERENCE FOR THE PURPOSE OF TOPOGRAPHICAL MAPPING, WITHOUT OUR VERIFICATION OF THEIR AGREEMENT WITH APPLICABLE LEGAL DESCRIPTIONS AND SENIORITY OF DEEDS.
9. RELATION OF TOPOGRAPHIC FEATURES (FENCES, WALLS, TREES, UTILITY POLES, ETC.) TO PROPERTY LINES AS SHOWN HEREON IS SUBJECT TO THE ADJUSTMENT THAT A BOUNDARY SURVEY MAY REQUIRE.

BENCH MARK:

B.M. NO. DY6462 NAVD 1929 COUTY OF LOS ANGELES DATUM

FOUND RDBM TAG IN WLY ROCK WALL OF DRAIN 22' N/O C/L MULHOLLAND HWY & 1.2 MI. E/O STOKES CYN RD @ MI MKR #23.57

ELEVATION = 818.77 FEET (ADJUSTMENT OF 2008)

FLOOD ZONE

THIS PROPERTY LIES IN FLOOD ZONE D - AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE PER FIRM COMMUNITY PANEL NO. 06037C1529F DATED SEPTEMBER 26, 2008.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SOUTH LINE OF THE N.W. 1/4 OF SECTION 8 AS SHOWN ON THE MAP OF 215R558 AS N 89°27'45" W.



DATED: 02-05-2019

REVISION NOTES

DATE	DESCRIPTION	BY
01-30-2019	ADDED 24" & 36" OAK TREE TRUNKS NEAR WLY PROPERTY LINE	SDN

PREPARED BY:

Chris Nelson
& Associates, Inc.
PROFESSIONAL LAND SURVEYORS
31228 Via Collins Suite C Westlake Village, CA 91362
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:

ROBERT DUNCAN

15215 SHADY GROVE DR. #201
ROCKVILLE, MARYLAND 20850

TOPOGRAPHIC SURVEY

PARCEL 2 OF PARCEL MAP NO. 6882
BOOK 124, PAGE(S) 15 THROUGH 16

26066 MULHOLLAND HIGHWAY,
CITY OF CALABASAS, COUNTY OF LOS ANGELES

JOB NO. 18-4633

SCALE: 1" = 20'

DATE: JULY 2018

DRAFTED: TMH

SHEET NO.

1

OF 1 SHEET

PROPOSED ENVIRONMENTAL DETERMINATION

DETERMINATION DATE: July 16, 2024
PROJECT NUMBER: 2020-000089-(3)
PERMIT NUMBER(S): Minor Coastal Development Permit
 RPPL2020006422
SUPERVISORIAL DISTRICT: 3
PROJECT LOCATION: 26066 Mulholland Highway
OWNER: Martin and Anna Donlon
APPLICANT: Arfakhashad Munaim
CASE PLANNER: Tyler Montgomery, Principal Planner
 tmontgomery@planning.lacounty.gov

Los Angeles County (“County”) completed an initial review for the above-mentioned Project. Based on examination of the Project proposal and the supporting information included in the application, the County proposes that a Categorical Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The project qualifies for Categorical Exemptions (Class 1 Exemption, Existing Facilities and Class 4 Exemption, Minor Alterations to Land) pursuant to CEQA and the County Environmental Document Reporting Procedures and 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 with accessory structures, and no hazardous waste sites or historic resources would be affected. Therefore, the Project is categorically exempt from CEQA.