

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS AND ORDER OF THE DIRECTOR**

**PROJECT NO. PRJ2023004315-(3)
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. RPPL2023006368**

RECITALS

1. **ENTITLEMENT(S) REQUESTED.** The permittee, Judson Birza("permittee"), requests the Administrative Coastal Development Permit ("ACDP") to authorize 32 roof-mounted solar modules and appurtenant equipment including junction boxes and associated wiring affixed to the existing single family residence ("Project") on a property located at 3020 Corral Canyon Road in the unincorporated area of Malibu ("Project Site") in the R-C-40 (Rural Coastal—40 Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County Code ("County Code") Section 22.44.940.
2. **ENTITLEMENT(S) REQUIRED.** The ACDP is required to authorize the placement and maintenance of 32 roof-mounted solar modules and appurtenant equipment and wiring affixed to an existing single-family residence in the R-C-40 Zone, pursuant to County Code Sections 22.44.810, 22.44.1560, and 22.44.1750. Coastal Development Permit No. 4-96-133, issued by the California Coastal Commission on November 12, 1996, legalized a 4,380 square-foot single-family residence with a detached three-car garage; 620 square-foot horse stable; 3,000 square-foot horse corral; 400-foot driveway; 300 foot retaining wall; pool, chain link fence surrounding development; septic tank; and 3,800 Cubic Yards of grading. CDP 4-96-133 was conditioned with future development restrictions requiring a CDP for any future development.
3. **LOCATION.** The Project is located at 3020 Corral Canyon Road (Assessor's Parcel Number 4457-013-031) within the Santa Monica Mountains Planning Area.
4. **LAND USE DESIGNATION.** The Project Site is located within the RL40 (Rural Land, One Dwelling Unit per 40 Acres) land use category of the Santa Monica Mountains Local Coastal Program ("LCP") Land Use Plan. The principal permitted use in the RL40 land use category is low-density single-family detached residences.
5. **ZONING.** The Project Site is in The Malibu Zoned District and is zoned R-C-40. Pursuant to County Code Sections 22.44.1750.A.2 and 22.44.1560.B.2, solar energy arrays/devices are a use and structure accessory to the principal permitted use and requires an ACDP.
6. **SURROUNDING LAND USES AND ZONING**

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LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RL-40, OS-P (OpenSpace-Parks)	R-C-40	Single-Family Residences
EAST	OS-P, RL-20 (Rural Land 20 - 1 Dwelling Unit per 20 Acres)	R-C-20 (Rural Coastal 20 - 20 Acre Required Minimum Lot Area/ O-S-P (Open Space, Parks)	Single-Family Residences, Vacant Land, Parkland Open Space
SOUTH	City of Malibu	City of Malibu	
WEST	RV	R-C-10,000 (Rural Coastal - 10,000 Square Foot Required Minimum Lot Area)	Horse Corral and Stable

7. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is approximately 5.93 acres in size and consists of one legal lot developed with a 4,504-square-foot single-family residence. The parcel is irregular in shape and sloped upwards towards the north-east and downward to the west. The single-family residence and garage are located on the relatively flat upper-north-western portion of the parcel. The owner owns the parcel east to the parcel where the single-family residence is located, which contains the horse stable and corral.

B. Site Access

The Project Site is accessible from a driveway leading from Corral Canyon Road to the west. Corral Canyon Road is a public road.

C. Site Plan

The site plan for the Project depicts an existing single-family residence and a driveway. The proposed roof-mounted solar modules are shown to be situated on the roof of the existing single-family residence. The modules are shown to extend a maximum height six inches above the existing roof. The Project is within the existing building site area of the residence. Because it is mounted to the roof of the existing residence and does not require new fuel modification or increase the existing fuel modification zone of the

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residence, it does not require review by either Department of Regional Planning biologist, or the Environmental Review Board (ERB) as determined by the Director (County Code Section 22.44.1860.C.2.c). It is also not within a designated Coastal Commission appealable area. The Project is located entirely within H3 Habitat (significantly disturbed and/or developed areas). Thus, an Administrative Coastal Development Permit is the appropriate entitlement.

8. **CEQA DETERMINATION.** The Director has determined that the Project qualifies for a Class 3, (New Construction or Conversion of Small Structures), Categorical Exemption from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the construction of a small structure associated with an existing single-family residence. According to the Santa Monica Mountains Local Implementation Plan ("LIP"), H3 Habitat includes native vegetation communities that have been significantly disturbed or removed as part of a lawfully established development and fuel modifications areas around existing development. The Project is located within H3 Habitat, and the proposed development is located on the roof of an existing structure. Accordingly, the Project is in an area that does not contain environmental resources of hazardous or critical concern and is not considered a particularly sensitive environment. The Project is also not expected to impact scenic or historic resources because the Project consists of roof-mounted solar modules that extend a maximum of six inches above the existing roof line and appurtenant equipment on an existing single-family residence. The Project Site is also not on any hazardous waste site list. Therefore, the proposed Project is not subject to an exception to the CEQA exemptions, and the Class 3 Categorical Exemption may be applied.
9. **COMMUNITY OUTREACH.** No outreach was conducted because the Project consists of roof-mounted solar panels, which is an accessory structure and use for the previously approved single-family residence.
10. **PUBLIC COMMENTS.** No public comments were received regarding the Project.
11. **AGENCY RECOMMENDATIONS.** County department consultations were not required, as the Project represents a discretionary approval without a public hearing for an accessory structure associated with the previously approved single-family residence.

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12. **LEGAL NOTIFICATION.** The Director finds that pursuant to Section 22.44.940.F. of the County Code, the community was properly notified of the request for permit by site posting and mail. On December 13, 2023, a total of 73 Notices of Request for Permit were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 19 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

13. **LAND USE POLICY.** The Director finds that the Project is consistent with the goals and policies of the Santa Monica LCP Land Use Plan, as construction of a roof-mounted solar devices is consistent with the RL-40 land use designation. The Project is consistent with the underlying RL-40 land use designation because the proposed roof-mounted solar panel array is a permitted accessory use and integrally related to the principal permitted use (single-family residence), is appropriately designed, is located on existing development, and is consistent with all development standards.
14. **GOALS AND POLICES.** The Director finds that the Project is consistent with LCP Policies Regarding New Development, including Policy CO-76, which directs new development to minimize grading, alteration of physical features, and vegetation clearance to prevent soil erosion. The Project is proposing a roof-mounted design that eliminates the need for any grading or brush clearance activities.
15. **GOALS AND POLICES.** The Director finds that the Project is consistent with LCP Scenic Resources Goals Policy CO-128, which states that new development shall be subordinate to the character of its setting. The roof-mounted solar array is proposed on a developed parcel with a single-family residence. In the immediate vicinity of the Project Site there are other developed parcels containing single-family residences. The panels will extend a maximum of six inches above the roof surface, which is consistent with the allowance of six feet above the maximum allowable height.
16. **GOALS AND POLICIES.** The Director finds that the Project is consistent with LCP Scenic Resources Goals Policy CO-145, which directs that solar energy devices/panels shall be sited on the rooftops of permitted structures where feasible, to minimize site disturbance and the removal of native vegetation.

ZONING CODE CONSISTENCY FINDINGS

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17. **PERMITTED USE IN ZONE.** The Director finds that the Project is consistent with the R-C-40 zoning classification as roof-mounted solar energy arrays/devices are permitted as an accessory use to a principal permitted use (single-family residence) in such zone with an ACDP pursuant to County Code Section 22.44.1750 and 22.44.1560. The Project qualifies for the ACDP, as the development is an improvement to a property containing existing development approved pursuant to a valid Los Angeles County building permit and CDP Number 4-96-133, is mounted to the roof of the existing residence, is proposed only in H3 Habitat, and does not result in any development or impacts within H1 or H2 Habitats. All other applicable standards of the Los Angeles County Zoning Ordinance (Los Angeles County Code, Title 22) would be met.
18. **HEIGHT.** The Director finds that the Project is consistent with the standard identified in County Code Section 22.44.1560.B.2, limiting the height of roof-mounted solar facilities to six feet above the maximum allowable height. The site plan depicts the roof-mounted solar array having a maximum height of six inches above the roof surface.
19. **ALTERNATIVE ENERGY.** The Director finds that the Project is consistent with the standards identified for solar energy devices identified in County Code Section 22.44.1560. The Project meets the requirements and preferred location for solar energy devices to be roof mounted.

COASTAL DEVELOPMENT PERMIT FINDINGS

20. **The Director finds that the proposed development is in conformity with the certified local coastal program.** The Director finds that the Project Site is entirely within H3 habitat, and no fuel modification is required for the Project. The Project is integrated with the existing development and minimizes the amount of disturbance that will occur on the Project Site. The Project is consistent with the applicable policies of the Santa Monica Mountains Land Use Plan, the R-C Zone development standards, the Community-Wide Development Standards, and the Area-Specific Development Standards of the Santa Monica Mountains Local Implementation Program (LIP).
21. **The Director 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 is not located between the nearest road near the shoreline or the shorelines of any body of water in the coastal zone, nor is the site used for public access or public trails in the vicinity. Therefore, the Project does not need to meet the requirements of Chapter 3 of Division 20 of the Public Resources Code.

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ENVIRONMENTAL FINDINGS

22. The Director finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15303 (Class 3 [New Construction or Conversion of Small Structures] categorical exemption). The Project involves the construction and maintenance of roof-mounted solar modules and appurtenant equipment on an existing single-family residence. The Project does not qualify as an exception to exemption because it is not located in an environmentally sensitive area and does not contain any scenic or historic resources. Therefore, the Project is not expected to have any significant effects on the environment.

ADMINISTRATIVE FINDINGS

23. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is at the Los Angeles County Department of Regional 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 Coastal Development Services, Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES THAT:

- A. That the proposed development is in conformity with the LCP; and
- B. That the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

THEREFORE, THE DIRECTOR:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15303 of the State CEQA Guidelines (Class 3 [New Construction or Conversion of Small Structures] Categorical Exemption); and
- 2. Approves **ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. RPPL2023006368**, subject to the attached conditions.

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ACTION DATE: March 6, 2024

RG: SS: JS

3/6/24

c: Zoning Enforcement, Building and Safety