

**SUPPLEMENTAL  
REPORT TO THE HEARING OFFICER**

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DATE ISSUED: November 22, 2023

HEARING DATE: December 5, 2023 AGENDA ITEM: 5

PROJECT NUMBER: PRJ2020-002005-(3)

PERMIT NUMBER(S): Minor Coastal Development Permit ("Minor CDP")  
RPPL2020006315

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 25755 Piuma Road, Monte Nido

OWNER: Don Reith

APPLICANT: Don Reith

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

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**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 PRJ2020-002005-(3), Minor CDP Number RPPL2020006315, based on the Findings contained within the report of July 20, 2023, and subject to the Draft Conditions of Approval also contained therein.

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.

**ENTITLEMENT:**

I, THE HEARING OFFICER, APPROVE MINOR COASTAL DEVELOPMENT PERMIT NUMBER RPPL2020006315 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

**PROJECT DESCRIPTION**

The applicant requests a Minor CDP for construction of a new 2,740-square-foot single-family residence and an onsite wastewater treatment system ("OWTS") in the R-C-1 (Rural Coastal—1 Acre Minimum Required Lot Area) Zone within the Santa Monica Mountains Coastal Zone ("Project"). The Project is proposed on a 0.72-acre property located at 25755 Piuma Road in the unincorporated community of Monte Nido ("Project Site").

**PUBLIC COMMENTS**

During the public notification period for the Project, LA County Planning Staff ("Staff") was notified by several area residents of an ongoing legal dispute between the applicant, Don Reith, and the Monte Nido Valley Community Association ("Association"). The Association alleges that the Project Site was previously dedicated as open space. As a result of those allegations, applicant filed a lawsuit against the Association to quiet title (the "lawsuit"), which is currently pending before the Los Angeles County Superior Court (*LASC: 22SMCV01481*). According to the Court's public website, a trial date is not yet scheduled.

Staff had previously reviewed the title report included with the Project application, which indicates no open space dedication. Prior to the previous hearing date, Staff also reviewed the conditions of the CDP for the underlying subdivision, which was approved by the Coastal Commission in 1988, as well as the associated Conditional Use Permit (CUP 87-160) and a 1991 CDP amendment (CDP 5-87-974A). These permits authorized a seven-lot residential subdivision and the realignment of Cold Canyon Road. None of these permits include a condition requiring the dedication of the Project Site as open space.

**PREVIOUS PROCEEDINGS**

The Hearing Officer chose to continue the public hearing from the previous hearing date of August 1, 2023 in order to await the outcome of the lawsuit's next court date, which was scheduled for August 30, 2023. According to applicant, which provided Staff with a copy of the court's ruling, the court on that date denied the Association's demurrer motion that was brought primarily on the basis that applicant's action was barred by the statute of limitations. As a result, the lawsuit was allowed to proceed and the next hearing date, which is another hearing on Demurrer, is scheduled for January 4, 2024. As previously indicated, there is no trial date set for the lawsuit at this time.


**CONCLUSION**

The dispute between the applicant and the Association is a civil issue and the lawsuit to quiet title was actually filed by the applicant, not the Association that alleged an open space dedication over the Project Site. Staff has conducted its due diligence and has not found any records to substantiate any open space dedication or easement. Accordingly, the civil dispute is not controlling of the County's consideration of this Project. Staff's previous recommendation for approval of the Project remains unchanged.

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Report

Reviewed By:

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Robert Glaser, Supervising Planner

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Approved By:

 for Mitch Glaser

Mitch Glaser, Assistant Deputy Director

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