

# Notice of Exemption

**To:**

Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

County Clerk  
County of: Los Angeles, Business Filings  
12400 E. Imperial Hwy., #1201  
Norwalk, CA 90650

**From:**

Public Agency: LA County Regional Planning  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Project Title: New Single-Family Residence and Accessory Development

Project Applicant: Scott Sullivan

Project Location - Specific:  
19560 Grand View Drive in the unincorporated community of Topanga. Project consists of Assessor Parcel Numbers 4447-003-030, 4447-003-008, and 4447-003-009.

Project Location - City: N/A Project Location - County: Los Angeles County

Description of Nature, Purpose and Beneficiaries of Project:  
The construction of a 2,125-square-foot two-story single-family residence with a 400-square-foot two-car garage and on-site wastewater treatment system; removal of one oak tree; 976 cubic yards of grading; merger of two adjoining parcels; and addition of 500 square feet to the proposed building site area.

Name of Public Agency Approving Project: Los Angeles County Department of Regional Planning

Name of Person or Agency Carrying Out Project: Scott Sullivan

**Exempt Status: (check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
  - Declared Emergency (Sec. 21080(b)(3); 15269(a));
  - Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
  - Categorical Exemption. State type and section number: Class 3 (S. 15303) and Class 4 (S. 15304)
  - Statutory Exemption. State code number: \_\_\_\_\_
  - Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects. State type and section number: \_\_\_\_\_
- Others: \_\_\_\_\_

Reasons why project is exempt:  
Project qualifies for Class 3 Categorical Exemption as it would construct one single-family residence, garage, and infrastructure. Project qualifies for Class 4 Categorical Exemption as it includes grading necessary for the single-family residence and accessory development; the removal of one tree not considered to be healthy, mature, and/or scenic; and fuel modification activities. None of the exceptions to the exemptions set forth in Section 15300.2 apply. See attached certified Finding 66 for more information.

Lead Agency  
Contact Person: Nathan M. Merrick Area Code/Telephone/Extension: (213) 974-0051

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: Nathan M Merrick Digitally signed by Nathan M Merrick  
Date: 2023.11.07 11:46:45 -08'00' Date: 11/07/2023 Title: Senior Regional Planner

Signed by Lead Agency

Signed by Applicant

Date Received for filing at OPR: \_\_\_\_\_



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#23 March 21, 2023

CELIA ZAVALA  
EXECUTIVE OFFICER

DAWYN R. HARRISON  
County Counsel

March 21, 2023

TELEPHONE  
(213) 972-5708  
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Agenda No. 8  
07/26/22

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: Project No. 2017-005357-(3) Minor Coastal Development Permit  
No. RPPL2017-008272-(3)  
Variance No. RPPL2017-008273-(3)  
Lot Line Adjustment No. RPPL2020-002772-(3)**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced project, consisting of Minor Coastal Development Permit No. RPPL2017-008272-(3), Variance No. RPPL2017-008273-(3), and Lot Line Adjustment No. RPPL2020-002772-(3), to authorize the construction of a 2,125-square-foot two-story single-family residence with a 400-square-foot two-car garage and on-site wastewater treatment system; removal of one oak tree; 976 cubic yards of grading; merger of two adjoining parcels; and addition of 500 square feet to the proposed building site area, located at 19560 Grandview Drive in the unincorporated community of Topanga within the Santa Monica Mountains Planning Area. At the conclusion of the public hearing, your Board indicated an intent to approve the project and instructed our office to prepare the appropriate documents for your Board's consideration. Enclosed are the findings and conditions.

Very truly yours,

DAWYN R. HARRISON  
County Counsel

By

  
ROLAND TRINH  
Senior Deputy County Counsel

APPROVED AND RELEASED:

  
THOMAS J. FAUGHNAN  
Senior Assistant County Counsel

RT:bh  
Enclosures

c: Fesia A. Davenport, Chief Executive Officer  
Celia Zavala, Executive Officer, Board of Supervisors  
Amy J. Bodek, Director, Department of Regional Planning

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NO. 2017-005357-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. RPPL2017-008272-(3)  
VARIANCE NO. RPPL2017-008273-(3)  
LOT LINE ADJUSTMENT NO. RPPL2020-002772-(3)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on July 26, 2022, in the matter of Project No. 2017-005357-(3), consisting of minor coastal development permit ("Minor CDP") No. RPPL2017-008272-(3), variance ("Variance") No. RPPL2017-008273-(3), and lot line adjustment ("LLA") No. RPPL2020-002772-(3). The Minor CDP, Variance, and LLA are referred to collectively as the "Project Permits." The County Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on the Project Permits on July 28, 2021, which was continued numerous times to October 6, 2021, October 20, 2021, January 19, 2022, and February 16, 2022. Prior to the Commission's hearing, public hearings were held before the County Department of Regional Planning ("Regional Planning") Hearing Officer ("Hearing Officer") on January 15, 2019, March 5, 2019, July 2, 2019, October 8, 2019, December 3, 2019, January 7, 2020, and May 5, 2020.
2. The applicants, Scott and Natalia Sullivan ("Applicant"), request the Project Permits to authorize the construction of a 2,125-square-foot single-family residence, 400-square-foot two-car garage, on-site wastewater treatment system ("OWTS"), and removal of one oak tree and 976 cubic yards ("CY") of grading on a property located at 19560 Grandview Drive in the unincorporated community of Topanga ("Project Site") in the R-C-10,000 (Rural Coastal, 10,000-Square-Foot Minimum Required Lot Area) Zone ("Project"), pursuant to Los Angeles County Code ("County Code") Section 22.44.1750. The Project Site is in a Hazards Area pursuant to County Code Section 22.44.2050 as it is in a mapped Very High Fire Hazard Severity Zone and because of slope stability and the potential for landslide.
3. Pursuant to County Code Section 22.44.1750, a Minor CDP is required for a project that involves between 50 CY and 5,000 CY of grading, and the Project falls within the Environmental Review Board ("ERB") area as identified in County Code Section 22.44.1860.C. The Applicant is requesting a Variance, pursuant to Chapter 22.44.1150 of Title 22 of the County Zoning Code for the OWTS seepage pits located within the 50-foot buffer of the dripline of four existing oak trees, which is less than the distance required by County Code Section 22.44.1340.B.3.c. The Applicant is requesting an LLA in conjunction with the Minor CDP, pursuant to County Code Sections 22.44.680.H and 22.44.2140.A.3.d, because the Applicant is proposing to merge two adjoining parcels for the proposed building site area and add 500 square feet to the maximum allowable Gross Structural Area ("GSA") of the Project by retiring all potential future development on a third adjoining lot through recordation of an

open space easement ("Open Space Easement") dedication and merging said retired lot with the merged lots containing the proposed building site area.

4. The Project Site is in the Malibu Zoned District and is currently zoned R-C-10,000.
5. The Project Site is located within the Fernwood Rural Village land use category of the Santa Monica Mountains Land Use Plan ("SMMLUP") Policy Map.
6. Surrounding zoning within a 500-foot radius of the Project Site includes:
  - North: R-C-10,000, O-S (Open Space), R-R (Resort and Recreation), and C-2 (Neighborhood Business);
  - South: R-C-10,000;
  - East: R-C-10,000; and
  - West: R-C-10,000.
7. Surrounding land uses within a 500-foot radius of the Project Site include:
  - North: Rural Village (RV), C (Commercial), CR (Visitor-Serving Commercial Recreation-Limited), and RL20 (Mountain Lands, 1 dwelling unit per 20 acres);
  - South: RV;
  - East: RV, C, CR, RL20; and
  - West: RV.
8. The Project Site is 0.52 gross acres (0.51 net acres) in size and consists of three legal lots. The Project Site is irregular in shape with downward sloping topography from the north to the south and is undeveloped except for past brush clearance and evidence of unpermitted grading. The Project Site is accessible via Grandview Drive to the north.
9. The site plan ("Site Plan") depicts the Project Site with a new two-story, 2,125-square-foot, 30-foot-tall single-family residence and 400-square-foot, two-car garage. The residence includes one access driveway and an OWTS. The first-floor plan consists of two bedrooms, two bathrooms, utility room, laundry room, hallway, and stairwell. The second-floor plan includes a kitchen, dining room, entry foyer, stairwell, living room, half-bathroom, and a 400-square-foot two-car garage. The second floor has an unroofed deck to the south of the structure, which doubles as the roof of a portion of the first floor. The upper roof structure would be vegetated with succulents and used to harvest rainwater and reduce runoff. The Site Plan also indicates the placement of three 205-gallon rain barrels to address runoff generated by the impervious surfaces related to the Project. The Project includes reconstruction of an existing storm drain, which drains across the lot from the street. The updated storm drain would include riprap to slow the flow of water and allow on-site percolation. Parking for the Project is to occur in the two-car garage. The Project would include grading totaling 976 CY, consisting of 353 CY of cut, 371 CY of fill, 120 CY

over-excavation (cut), and 132 CY recompaction (fill). The Project's grading would require 30 CY of imported fill, which is included in the 503 CY of total fill and recompaction. The residence is served by a street level driveway from Grandview Drive.

10. Regional Planning staff ("Staff") received numerous phone calls, emails, and letters from six neighboring property owners in response to the Project. The public comments both support and oppose the Project. In general, the comments in support of the Project suggest that it would have minimal impact to the Project Site and surrounding area, while the comments in opposition to the Project allege that it is inconsistent with size and scale of other development in the neighborhood, would unduly impact the nearby biological resources, and would present significant noise and traffic impacts due to construction.
11. Prior to the Hearing Officer's public hearing on the Project, Staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, and Class 4, Minor Alterations to Land, categorical exemption under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"), the State CEQA Guidelines (Title 14, Cal. Code Regs., Chapter 3, §§ 15000-15387), and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project is for one single-family residence, a garage, and infrastructure including a driveway, an OWTS, and retaining walls. The Project implements fuel modification surrounding the residence, proposes the removal of only one oak tree offset by the protection of 15 sapling oak trees, protects on-site H1 Habitat in perpetuity, and proposes development in existing brush clearance areas. Additionally, an exception to the categorical exemptions does not apply as the Project is not expected to result in damage to scenic resources and/or scenic highways, is not expected to result in cumulative or significant effects, is not a hazardous waste site, and does not contain historic resources. The Project also completed a Biological Assessment that was reviewed by a Regional Planning Staff Biologist ("Staff Biologist"). The Staff Biologist conducted a site visit and confirmed that the property was appropriately mapped and agreed with the contents of the assessment, with minor modifications. The Project and the Biological Assessment were also reviewed by the ERB on April 16, 2018, and June 17, 2019, which determined that the Project would not have a significant impact on the environment.
12. Written and verbal comments were submitted to the Hearing Officer from Brian Headman, Catherine Campbell, Marlene Lear, Malcom Groome, Petra Sapir, and Greta Proctor. Brian Headman challenged the Project's consistency with the Santa Monica Mountains Local Coastal Program ("SMMLCP") and requested denial of the Project based on biological resource protection policies and requirements for land divisions and LLAs. Kim Lamorie and Susan Ellis, on a phone call to Staff on July 14, 2021, questioned the Project's consistency with the Santa Monica Mountains Local Implementation Program ("SMMLIP"), particularly regarding habitat, fuel modification, GSA, LLA,

and contended that the residence would have less impacts if proposed in a smaller size. They also alleged that information pertaining to special status wildlife and wildfire hazards within the Biological Assessment for the Project was outdated. At the January 15, 2019, Hearing Officer public hearing, the Hearing Officer expressed concerns and had questions regarding a cargo container, a nearby creek, and oak trees, and continued the hearing to March 5, 2019, to allow for time to address the Hearing Officer's concerns.

13. At the March 5, 2019, hearing, the Hearing Officer expressed concerns with the Project's size (square footage, bedrooms, and septic) and the Project's proposed encroachments of H1 Buffer Zone. The Hearing Officer requested that Staff return to ERB with several questions to be considered by ERB related to seepage pits, oak trees, oak woodland, and habitat mapping. ERB reviewed the revised Project at their June 17, 2019, meeting and provided recommendations related to habitat mapping, septic system relocation, oak trees, and overall size of the Project. As a result, the Project was redesigned to reduce the proposed footprint to 2,615 square feet, reduce the number of bedrooms, reduce the encroachments into the H1 Buffer Zone, a relocation of the OWTS seepage pits to minimize oak tree impacts, and a relocation of the garage to street level. The Hearing Officer reviewed the revised Project at continued hearings on July 2, 2019, August 13, 2019, October 8, 2019, December 3, 2019, and January 7, 2020, continuing the hearing each time to allow for issues to be examined and addressed. At the continued hearing on January 7, 2020, Staff recommended that the Project be taken off calendar to allow adequate time to review revised plans submitted by the Applicant to address the Project's consistency with the SMMLIP. The Project was not removed from calendar but instead continued to May 5, 2020, at which time Staff explained that because the Project contains an LLA to reconfigure and merge contiguous parcels for the purposes of increasing the maximum allowable GSA, it is required to be the subject of at least one public hearing before the Commission, as it constitutes a land division. Accordingly, the Hearing Officer removed the Project from the Hearing Officer's public hearing calendar, and the Project was set for a public hearing before the Commission on July 28, 2021.
14. Prior to the Commission's hearing of the Project, Staff received the following recommendations from County Departments clearing the Project for approval:
  - A. County Department of Public Works ("Public Works"): Recommended clearance to public hearing with conditions in a letter dated July 6, 2020.
  - B. County Fire Department ("Fire Department"): Recommended clearance to public hearing with conditions in a letter concerning the Minor CDP dated July 1, 2020 and in a letter dated July 23, 2020 concerning the LLA.
  - C. County Department of Public Health ("Public Health"): Recommended clearance to public hearing in a letter dated August 18, 2020.

- D. County Department of Parks & Recreation ("Parks & Recreation"): Indicated the Project will not impact any Parks & Recreation facilities in a letter dated June 2, 2020.
  - E. ERB recommended clearance to public hearing with conditions at a meeting held on April 16, 2018 and considered further revisions on June 17, 2019.
15. On July 28, 2021, a duly-noticed public hearing was held before the Commission. Staff presented the Project to the Commission and informed it of public comments received prior to the hearing, including a letter received from the California Coastal Commission ("Coastal Commission") which raised concerns regarding the Project. Applicant and Applicant's agent, Jill Jones, provided testimony in favor of the Project. Five members of the public provided testimony in opposition to the Project with concerns related to the LLA, GSA, H1 Buffer Zone on the Project Site, construction impacts, and oak trees. The Commission posed several questions to Staff and continued the hearing to October 6, 2021, which was then continued to October 20, 2021, at Staff's request. Staff reported at the continued hearing on October 20, 2021, that it had conferred with the Coastal Commission regarding its July 27, 2021, letter and agreed that revisions to the Project were warranted. Specifically, the Project needed to eliminate the reconfiguration of the existing parcels and ensure that the two parcels containing portions of the building site area will be merged as one parcel through an LLA. Additionally, the Coastal Commission indicated that the size of the proposed residence needed to be reduced and only one 500-square-foot GSA credit could be utilized for the adjoining parcel owned by the Applicant, which will have its development rights retired in perpetuity and will merge with the two lots containing the approved building site. The Commission continued the hearing to January 19, 2022, to provide time for Project revisions and subsequent reviews to occur, and prior to the January 19, 2022, hearing, continued the hearing once more to February 16, 2022, due to a vacancy of the Commissioner seat representing the County's Third Supervisorial District.
16. Applicant revised the Project further, and at the continued hearing on February 16, 2022, five members of the public provided testimony in opposition to the Project with concerns related to the LLA, GSA, H1 Buffer Zone, construction impacts, and oak trees. County Counsel provided clarification that the Findings and Conditions for the revised Project address the concerns of the public and the Coastal Commission, and indicated that the requested actions are legal and consistent with the SMMLCP. Staff then provided clarification to the Commission on items related to the biological report, habitat mapping, structure height, construction staging, and temporary impacts. The Commission requested that an additional Site Plan sheet be included to detail construction staging and ensure that construction impacts are contained on-site. There being no further testimony, the Commission closed the public hearing, found that the Project was categorically exempt from CEQA, and approved the Project.

17. The Commission's approval of the Project was timely appealed on March 1, 2022, by Greta Proctor, Brian Headman, Malcolm Groome, and Petra and Ofer Sapir. The appellants cited numerous reasons for the appeal, including inconsistency with the SMMLCP, inaccurate and inadequate CEQA finding, impacts to H1 Habitat and oak trees, and failure to require a traffic and parking study, among others.
18. On June 26, 2022, the Board held its duly-noticed public hearing on the appeal of the Commission's approval. One letter was received in advance of the hearing in opposition to the Project from one of the appellants, Brian Headman. Nine comments were also received, with three in support and six in opposition to the Project. Regional Planning submitted a Departmental Statement requesting that the Board deny the appeal and uphold the Commission's approval of the Project. Appellant Headman testified that the Project's approval lacked the requisite substantial evidence, particularly in relation to the LLA, which he alleged is prohibited as proposed, and that the Biological Assessment used to support the project was expired. He asserted that a smaller development should be constructed and approved. The Applicant, Scott Sullivan, then testified and indicated that the Project is his family home that he has pursued for eight years against opponents using environmental concerns to cover up their true "NIMBY" motive. Mr. Sullivan reminded the Board that environmental concerns were fully addressed through the design of the Project which resulted in a letter from the Coastal Commission indicating that all its concerns were addressed.
19. There were three public comments made at the public hearing in support of the appeal to deny the Project. The comments opposed the Project because it is located in a unique natural environment that includes Dick's creek, oak trees, and rare wildlife. Additionally, the comments allege that the Project is much too large relative to the surrounding homes and that an Environmental Impact Report should have been prepared for the Project pursuant to CEQA. There were no further public comments, and the Board did not have any questions for the Director of Regional Planning ("Director"). Supervisor Sheila Kuehl indicated that she was aware of the concerns from neighbors, but that ultimately the Project is a single-family dwelling that has met all the requirements put before it. The Board thereafter closed its public hearing, found the Project categorically exempt from CEQA, indicated its unanimous intent to deny the appeal, and instructed County Counsel to prepare the necessary findings to uphold the Commission's approval of the Project.
20. The Board finds that the Project is consistent with the goals and policies of the SMMLUP, a component of the General Plan, because the RV is intended for the development of single-family residences, which is the principal permitted use in the RV category. The surrounding Fernwood RV is a neighborhood consisting primarily of single-family residences and vacant parcels. Pursuant to the Land Use and Housing Element of the SMMLUP, RVs are those areas in the unincorporated Coastal Zone that have developed into small, integrated communities. Typically, these areas were subdivided into very small urban scale



parcels, often less than 4,000 to 5,000 square feet in size, prior to modern subdivision requirements, and have experienced a relatively high-level of development. Land divisions, except for mergers and LLAs, are not permitted in RVs. Lots in RVs are often difficult to develop due to steep slopes, unfavorable geologic conditions, OWTS limitations, limited access, the costs of development, and other constraints. If the theoretical buildout of these lots were to occur, it would necessitate implementation of costly infrastructure (such as sewers or other technology, and roads) and significantly alter the existing density characteristics of these areas. By supporting the incentive program for additional GSA credit through a lot merger via the LLA, the resulting Project would eliminate the full development potential for two existing lots, directly supporting the goals and policies of the RV land use designation. As the Project is comprised of a new single-family residence, the Board finds that it is consistent with the intended use of the underlying land use category.

21. The Board finds that the Project is consistent with the SMMLUP Pattern and Character of Development Goals and Policies LU-27 through LU-51, which require that patterns of land use promote social, environmental, and economic wellbeing while preserving the environmental resources and unique character of the land within the Santa Monica Mountains, as follows:
  - A. The Project consists of one single-family residence and is, therefore, considered low-density and similar to the development pattern within the surrounding neighborhood, which consists primarily of single-family residences. The Project is designed to sit into the terraced topography and would require minimal alteration to surrounding steep lands or to the natural sloped character of the lot. The Project would implement removal of non-native species, including pine and eucalyptus trees, from the Project Site to allow the natural habitat to restore itself within the area surrounding the building site. The Project would maintain most of the on-site mature oak trees, which would provide screening of the Project from neighboring residences.
  - B. Per the SMMLUP, the building site is approximately 3,753 square feet, which equates to 16.9 percent of the Project Site, less than the maximum allowed 10,000 square feet or 25 percent of the lot, whichever is less.
  - C. The Project includes no non-resource development impacts to the Project Site's H1 Habitat, and the Fuel Modification Plan would not impact the H1 oak woodland. The Project has been designed to limit its mass, scale, and overall square footage to protect the surrounding environment and reflect the policies protecting scenic resources, as mandated within the RV. The Project has been designed not to be visible from mapped scenic resources, including scenic routes, trails or public parks, as was verified through placement of story poles on the Project Site on June 18, 2021, and has been clustered towards the north of the parcel adjacent to a

permitted single-family residence, reducing the area necessary for fuel modification or brush clearance.

- D. The Project includes the dedication of an irrevocable Open Space Easement, which will protect the H1 Habitat on the Project Site beyond the building site area for perpetuity, and includes a lighting plan which requires the limited use of outdoor lighting fixtures placed for safety and access that meet the requirements of the Dark Skies Policies of the SMMLUP by using low wattage and downward shielded light fixtures.
  - E. The Project includes limited irrigation, as noted on the Fuel Modification Plan for the purposes of fire prevention and limited watering during drought and high fire risk periods, and incorporates a vegetated roof and three 205-gallon rain barrels to address runoff generated by the new impervious structures.
  - F. The Project does not consist of any commercial or institutional uses and does not propose solar or wind energy systems.
22. The Board finds that the Project is consistent with the SMMLUP Development and Environmental Resources Goals and Policies LU-1 through LU-26, which require that land uses reflect and are compatible with existing environmental resources and community character, as follows:
- A. The Project is in the Fernwood RV and would be developed within an existing developed neighborhood in an existing cluster of developed parcels.
  - B. The subject property was subdivided in the past.
  - C. The Project is sited to be near the existing public road and near other existing residences, and the placement of the Project would reduce impacts to the Project Site and preserve the scenic and natural qualities of the Project Site to the south of the Project.
  - D. The Project would be finished in natural colors and non-reflective materials to reduce visual impacts and sit more harmoniously in the natural setting of the area.
  - E. The Project is conditioned to preserve approximately 0.35 acres, on-site, as dedicated open space through the recordation of an Open Space Easement which would protect H1 Habitat from future development.
  - F. The Project includes a Fuel Modification Plan which avoids impacts to H1 Riparian Habitat and limited non-native vegetation removal in the H3 Habitat areas.

23. The Board finds that the Project is consistent with goals and policies of the Conservation and Open Space Element of the SMMLUP, as the Water Quality Goals and Policies CO-2 through CO-32 require that projects maintain and restore biological productivity and coastal water quality appropriate to maintain optimum populations of marine and freshwater organisms and to protect human health, as follows:
- A. The Project has been designed to incorporate an OWTS and on-site Low Impact Development ("LID") elements to reduce off-site runoff and improve water quality on the Project Site. The LID improvements include on-site water retention through a vegetated roof and three 205-gallon rain barrels, which can be harvested for on-site irrigation, but would collect runoff from the driveway and other impervious surfaces. Collection of roof runoff in rain barrels surrounding the house would also reduce runoff and allow for on-site irrigation, and when runoff exceeds the above collection measures, it would be guided south of the house to allow on-site percolation and evaporation. The proposed LID measures would reduce and slow off-site runoff consistent with the SMMLUP standards and to meet the required Best Management Practices to treat, infiltrate, and filter storm water runoff of an 85th percentile storm; and the Project's Site design incorporates limited impervious surfaces and allows many of the areas to collect runoff in landscaped areas for percolation on-site.
  - B. The Project consists of limited site work and grading and, therefore, limits temporary erosion concerns, and is conditioned to prohibit commencement of grading until after the end of the rainy season (October 15 – April 15). Previously conducted percolation and geologic testing occurred within the footprint of the Project's building site area, and as a result, no remedial work is required.
  - C. The Project's OWTS is sited away from mapped H1 Habitat, well above the water table, and is not within the proximity of coastal waters. However, the seepage pits are located within the 50-foot buffer of the dripline of four oak trees on the Project Site, thereby requiring a Variance as part of the Project Permits. The Project's OWTS was reviewed and approved by Public Health, as indicated in their clearance letter dated August 18, 2020.
  - D. The Project would require no stream or creek crossings or alterations of mapped riparian habitats, and runoff was considered and minimized to avoid further downstream impacts due to the topography of the Project Site and the surrounding area.
24. The Board finds that the Project is consistent with the Biological Resources Goals and Policies CO-33 through CO-101 of the SMMLUP, which requires that Sensitive Environmental Resources Areas be protected against any significant disruption of habitat values and that development in adjacent areas be sited and

designated to prevent impacts that would significantly degrade the area and be compatible with the continuance of the habitat, as follows:

- A. The Project Site's habitat mapping was revised based on the biological analysis conducted by Applicant's environmental consultant, Envicom, and reported in the Biological Assessment Report. Staff, including the Staff Biologist, reviewed the proposed habitat mapping and biological report and presented these reports to the ERB, which reviewed the Project on April 16, 2018, and June 17, 2019. Based on the location of the riparian canopy and existing oak woodlands impacted by legally-established brush clearance, the proposed habitat mapping was approved by the ERB on April 16, 2018. The Project was further revised to avoid construction activities within the updated H1 Habitat boundary and with the Project's proposed Conditions of Approval, and thus the ERB found the Project consistent with the SMMLUP biological policies on June 17, 2019.
- B. The Project includes removal of one native oak tree and as mitigation therefor, includes the protection of 15 small sapling oak trees which are not of a protected size at the Project Site.
- C. No new fuel modification impacts to the H1 Habitat area will occur as a result of the Project. The Fire Department determined that a reduced fuel modification area to protect the riparian habitat area was warranted due to site design and topography as indicated in the Final Fuel Modification Plan approved May 12, 2020, and as confirmed by the Fire Department in its email dated October 22, 2020. The approved Fuel Modification Plan depicts only Zone C clearance in H1 Habitat area, and such area is already subject to Zone C clearance activities by the surrounding existing development. Although fuel modification would occur in areas identified as H3 Habitat, the Biological Assessment Report indicates that fuel reduction shall only include removal of non-native grasses by a trained professional and supervised by a biologist to ensure that the minimal fuel modification would not impact native species and would allow for natural regrowth of the area once non-natives are removed, in line with the existing brush clearance activities occurring at the Project Site.
- D. The Project avoids impacts to H1 Habitat and H1 Habitat Buffer, and H3 Habitat have been reduced to the extent feasible. Alternative site analysis was prepared but after review by the ERB and Staff, including the Staff Biologist, the least impactful siting was determined to be its proposed location as alternative locations would require greater impacts to oak trees or significantly greater amounts of grading. The Project does not impact wetlands or riparian habitat. The single-family residence is located at least five feet from the mapped boundary of H1 Habitat and is clustered near other developed areas to the north and would provide a buffer surrounding the building site area that would adequately allow wild animal movement through and around the Project Site. The patio area of the

Project provides a buffer between the structures and the habitat area to the maximum extent feasible on the Project Site due to topography and site constraints, and the Project has been conditioned to prohibit the use of insecticides, herbicides, anti-coagulant rodenticides, and other toxic chemicals, consistent with the SMMLCP.

- E. All areas identified as H1 Habitat shall be protected in perpetuity by an Open Space Easement preventing any future development of the remaining on-site H1 Habitat. The Project is also conditioned to avoid nesting birds and animals, including breeding bird surveys performed by a qualified biologist, and the cessation of construction-related work should a protected native bird be found. Various Conditions of Approval to the Project require (as noted in the Biological Assessment Report) a biological monitor be present during initial site disturbances, such as a preconstruction survey, pre-grading survey, and protective fence placement.
25. The Board finds that the Project is consistent with the site design policies identified in SMMLUP Policies CO-74 through CO-94, which include access road limitations, grading and retaining wall design, fencing, animal containment facilities, wells and test pits, leach fields and OWTS, and exterior lighting. The Project includes one access driveway, approximately 20 feet long and 15 feet wide, which has been designed to minimize impacts while meeting access requirements of Public Works and the Fire Department, and is consistent with Policy CO-79. The Project includes a total of 976 CY of grading, which is less than what would have been required in the alternative site designs, with fewer land alterations to complete. The Project will allow free access to wildlife passing through and on the Project Site and outside of the building site area. The Project's OWTS seepage pits are consistent with standards of the SMMLCP, and the Project includes minimal outdoor lighting that is consistent with the Dark Skies Policies of the SMMLUP to allow adequate safety and access lighting near the garage and entry doors which are low wattage, downward facing, and shielded to reduce light spillover effects and night sky lighting.
26. The Board finds that the Project is consistent with the Fuel Modification standards of the SMMLUP as the Project's structures are designed to include fire resistant exterior materials, Fuel Modification standards, and brush clearance standards, as outlined in Policies CO-96 through CO-98.
27. The Board finds that the Project is consistent with the Native Tree Mitigation Policies of the SMMLUP, as set forth in Policies CO-99 and CO-100. The Project was designed to minimally impact native trees, requiring removal of only one oak tree due to the location of residence, which will be mitigated with the protection of 10 small on-site oak saplings located in the H1 Habitat areas as recommended by the ERB and Staff Biologist. Said saplings would not otherwise be protected and could be encroached or removed because the H1 Habitat on the Project Site is impacted by fuel modification (Zone C) activities for the surrounding existing

residences. The Project's Conditions of Approval will further require that the saplings be marked and protected and monitored for at least 10 years to ensure successful growth. In addition, the Applicant has volunteered to preserve five additional existing oak saplings.

28. The Board finds that the Project is consistent with the SMMLUP Hillside Management Goals and Policies CO-107 through CO-116, which ensure that projects retain the natural topographic character and vegetation of hillsides to the maximum extent possible and ensure that all development in such areas is sited and designed to provide maximum protection to public health and safety, coastal waters, public scenic views, and sensitive habitats. The Project's proposed structures would be set into the topography of the Project Site and would be located within the natural setting of the sloping terrain. The Project would require limited removal of natural vegetation, consisting mostly of non-native grasses and small shrubs. The Project is designed to sit naturally into the scenic surroundings, making use of natural color tones, non-reflective materials, and natural screening and is clustered in H3 Habitat near an existing residence to the north.
29. The Board finds that the Project is consistent with the SMMLUP Open Space Goals and Policies CO-117 through CO-123, which require consideration of an integrated open space system that preserves valuable natural resources and provides a variety of recreational opportunities. As a condition of approval of the Project, the Applicant shall dedicate the areas outside of the Project's building site area, which exceeds 15,000 square feet of H1 Habitat, as an Open Space Easement in perpetuity.
30. The Board finds that the Project is consistent with the SMMLUP Scenic Resources Goals and Policies CO-124 through CO-151, which require that the scenic beauty of the area be retained by considering and protecting scenic and visual qualities as resources of public importance. On June 18, 2021, the Applicant installed story poles certified by a licensed surveyor which marked the location and height of the Project's proposed structures to allow viewing from off-site scenic resources. The Applicant provided photographic evidence showing that the Project Site was not visible from any nearby mapped scenic routes, trails, or public parks.
31. The Board finds that the Project is consistent with the SMMLUP Recreation and Trails Goals and Policies CO-155 through CO-186, which require that projects provide maximum public access and recreational opportunities to all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse, as the Project Site is not located near any accessible trails, parking lots, or other publicly used access points, and due to topography and dense vegetation, it is not likely that the public makes use of the Project Site for accessing any of the trails in the vicinity.

32. The Board finds that the Project is consistent with the SMMLUP Paleontological and Historic Cultural Resources Goals and Policies CO-204 through CO-215, which require the preservation of the area's rich and diverse archaeological, paleontological, and historic cultural resources. As a condition of approval, the Project shall be required to maintain cultural and archeological site monitors during ground disturbances to ensure that paleontological or historical cultural resources are not disturbed, if any are located on the Project Site.
33. The Board finds that the Project is consistent with the SMMLUP Fire Hazards Goals and Policies SN-20 through SN-36, which require that the built environment be designed to avoid or minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption due to wildland fires. A Fuel Modification Plan was approved by the Fire Department which clarifies the extent of the Fuel Modification Zones in relation to site topography and vegetation materials. The Project utilizes fire resistant materials in its design, and there is no proposed landscaping aside from minimal seeding for slope protections, further reducing fire hazard risks.
34. The Board finds that the Project is consistent with goals and policies of the SMMLUP Seismic and Non-seismic Geologic Hazards Goals and Policies SN-1 through SN-11, which require that the built environment be designed and engineered to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social dislocation due to seismic- and non-seismic induced geologic phenomena. The Project Site includes sloping terrain but is sited to reduce grading impacts and includes tiered retaining walls to reduce the bulk and mass of on-site impacts. The Project includes a Grading Plan, which was reviewed by Public Works and will require a Grading Permit review prior to start of construction to ensure compliance with building and safety standards regarding geologic and slope requirements.
35. The Board finds that the Project is consistent with the SMMLUP Flood Hazards Goals and Policies SN-12 through SN-19, which require that the built environment and the flood management system respect natural hydrological processes to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption. The Project provides water and runoff LID methods to reduce runoff generated by new impervious surfaces and structures, including collection of rainwater on a vegetated roof, and use of three 205-gallon rain barrels to be used for on-site irrigation and to allow excess runoff allowed to percolate on-site.
36. The Board finds that the Project is consistent with the SMMLUP Water and Sewer Goal and Policies PF-1 through PF-11, which require adequate water supplies and water and sewage disposal systems to support existing and future planned land uses. The Applicant provided a water will-serve letter from the County Waterworks District 29 dated July 16, 2018, indicating the District's intent to provide private water service to the Project. The Project also includes an OWTS for on-site septic treatment of wastewater, which was reviewed and

cleared for hearing by Public Health, as indicated in a letter dated August 18, 2020.

37. The Board finds that the Project is consistent with the R-C-10,000 zoning classification as a single-family residence requiring 976 CY of total grading, which is permitted in such zone with a Minor CDP, pursuant to County Code Sections 22.44.1750.A.1 and 22.44.1260.C.2. In addition, the Project warrants a Minor CDP as the Project falls within the ERB review area, as indicated in County Code Section 22.44.940.A.2.
38. The Board finds that the Project is consistent with the standards identified in County Code Sections 22.44.1750.E, 22.44.1710, and 22.44.1375.H. The Project provides a minimum setback of five feet from the side property line and 15 feet from the rear property line, consistent with County Code Section 22.44.1375.H, and the Project provides a 10-foot front yard setback from the front property line due to sloping terrain.
39. The Board finds that the Project is consistent with the standard identified in County Code Section 22.44.1250.B, as the Project is designed to have a maximum height of 30 feet. The Board finds that the Project does not need to comply with the 18-foot height limitation identified by County Code Sections 22.44.1250.C, 22.44.1440, and 22.44.2000 because story poles installed at the Project Site on June 18, 2021, show that the proposed residence will not adversely impact Scenic Resources.
40. The Board finds that the Project is consistent with the standard identified in County Code Section 22.44.1410.Y.1.a, as the Project provides two covered garage parking spaces, as required.
41. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1270, which requires that exterior lighting be minimized, restricted to low intensity, be fully shielded and concealed to protect night skies, public views, and minimize wildlife impacts. The Project includes limited outdoor lighting near the garage, entry walkways, and near front and exterior doors. The lights are all low wattage, downward facing, or shielded to prevent upward and off-site light trespass. Further, the Project has been conditioned to ensure ongoing compliance with the night sky lighting provisions of the SMMLIP.
42. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1240, as the Project includes a Fuel Modification Plan, which was approved on May 12, 2020, and avoids the H1 Habitat. The Project includes no formal landscape plan, besides the proposed vegetated roof which includes native succulents. The Project was reviewed by Staff and determined to meet the requirements of the SMMLIP and includes primarily local native drought-tolerant species, except for non-native pine and eucalyptus trees which are proposed to be removed. The Project includes Conditions of Approval



to implement the success criteria outlined in the SMMLIP and prohibition of the use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains. Through the design of the Project's Landscape Plan, Fuel Modification Plan, site layout, and as conditioned by the Project's Conditions of Approval, the Project complies with the Vegetation Management and Landscaping standards of the SMMLIP.

43. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1260, which requires that new development minimize the visual and environmental resource impacts of grading and landform alteration. The Project includes 976 CY of total grading, consisting of 353 CY of cut, 371 CY of fill, 120 CY over-excavation (cut), and 132 CY recompaction (fill). The Project's grading would require 30 CY of imported fill, which is included in the 503 CY of total fill and recompaction. Due to the grading quantities, a Minor CDP is required. The Project's design is set into the slopes of the topography and would not create new landforms or shapes. The Project has also been conditioned to prohibit commencement of grading during the rainy season (October 15 – April 15) to reduce runoff issues during earth movement.
44. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1310, which addresses height, location, and fences materials in the Coastal Zone. Generally, the SMMLIP prohibits non-wildlife permeable fencing in most circumstances, except that fencing that is non-wildlife permeable may surround the immediate development and extend no further than the outer extent of Fuel Modification Zone A (typically 20 feet from structures that require fuel modification) and shall be solely for safety purposes. The Project does not propose any fencing and shall remain open, allowing wild animals to safely pass around the house and through the Project Site and throughout all H1 Habitat areas.
45. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1320 relating to construction colors, materials, and design. The Project was designed to achieve the requirements of this Section through various design choices, including use of natural colors on the exterior of the residence and structures, use of non-reflective windows, use of natural materials throughout most of the landscape area, and reduced retaining wall heights.
46. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1340, which implements applicable provisions of the SMMLCP for ensuring the protection of the quality of coastal waters by providing standards for the review and authorization of development consistent with the requirements of the California Coastal Act and requires all proposed development to be evaluated for potential adverse impacts to water quality and water resources, including applicable National Pollutant Discharge Elimination System standards from the Regional or State Water Quality Board. The SMMLIP

requires a buffer of 150 feet from the edge of a stream or riparian canopy, which is provided. The Project includes no stream crossings, alterations, or drainage changes and will not directly impact the nearby watershed. The Project includes a new OWTS which was reviewed by Public Health and complies with County Code Section 22.44.1340.B.3. The Project includes multiple LID methods to address on-site runoff generated by new impervious surfaces, including collection of roof runoff with a vegetated green roof and use of three 205-gallon rain barrels with overflow directed to a percolation area south of the building site area to be used later for landscape watering and on-site percolation of stormwater. The area surrounding the proposed residence is largely unpaved, and the Project's grading plan, includes an erosion plan, which has been conditioned to adhere to the erosion control measures identified in the SMMLIP during and after construction, pursuant to County Code Section 22.44.1340.H.

47. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1350, which addresses development on slopes exceeding 15 percent and prohibits new development on slopes of 50 percent or greater unless required for safety reasons, or if allowing such development would be more protective of biological resources and natural topography than prohibiting it. The Project is located on the northern side of the property which slopes to the south, in some places exceeding 50 percent slopes. However, the building site area was identified as a preferable location to avoid H1 Habitat to the south of the building site area and to avoid extensive grading and limit native tree removal and encroachment on the south side of the Project Site. Additionally, alternative site analysis was conducted and reviewed by the ERB, and it was determined that the Project's current building site area was more protective of the biological resources and natural topography than alternative locations. The Project has been designed to conform to the Project Site's topographical features through a stepped foundation set in three levels, and the proposed residence would be set into the hillside and would mimic the natural shape of the slope. The Project includes limited retaining walls, LID methods to capture storm runoff for natural percolation and reduce alterations to drainage patterns, and would maintain most mature oak trees to maintain the scenic quality of the Project Site.
48. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1430, which address exploratory test holes for water wells and the access road thereto, percolation testing for OWTS, and any other activity associated with evaluating a site for development. The Project includes exploratory test holes used to analyze geology of the site and determine locations for septic percolation. The location of the testing pits were accessed by an existing road within a neighboring access easement. Minimal site work and grading were necessary to complete the testing pits, and testing occurred within areas determined to be H3 Habitat and required no impacts to H1 or H2 Habitat areas. Temporary covers and erosion control measures were also used to protect the site from erosion and instability.

49. The Board finds that the Project is consistent with the standards identified in County Code Sections 22.44.1440 and 22.44.1990, which are intended to protect Coastal Zone scenic resources. The Project Site is located within the vicinity of mapped scenic resources, including Corral Canyon Road to the west and Mesa Peak Motorway Trail to the north and northeast. The Applicant provided photo renderings of the Project Site taken from both mapped resources showing that the Project Site was not visible from either road or the trail, and Staff conducted a site visit and observed that the Project Site was not visible from the mapped scenic road or trail. The Applicant installed story poles on June 18, 2021, indicating the location, size, and scale of the home to further verify that the Project would not impact the scenic resources along with written verification by Adrian Dreckmann, a State-licensed land surveyor, indicating the certification of the story pole heights, dated June 18, 2021. The Project Site and story poles were not visible from South Topanga Canyon Boulevard and meets the development standards identified in County Code Section 22.44.1440 of the SMMLIP for scenic resource areas.
50. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1510, which requires implementation of methods to reduce storm water runoff and erosion impacts created by new development. The Project is required to conserve natural areas, protect slopes and channels, provide storm drain system stenciling and signage, and divert roof runoff and surface flow to vegetated areas before discharge, unless the diversion would result in slope instability. The Project includes a vegetated green roof and three 205-gallon rain barrels to address runoff from the new impervious surfaces, and includes improvements to an existing storm drain to direct street runoff across the Project Site and includes riprap to slow the flow and allow on-site percolation and reduce scouring. The remaining site would be left in natural form and will continue to allow on-site percolation.
51. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.1800 et seq. on biological resources in the Santa Monica Mountains. Due to the existence of habitat areas that are categorized as significant environmental resource areas, biological review of the Project by the ERB was required. The Applicant prepared a Biological Assessment Report and habitat mapping, per County Code Section 22.44.1820, and the Project was reviewed by the ERB on April 16, 2018, and on June 17, 2019. H1 Habitat was adjusted to include the disturbed oak woodland on the upper slopes of the Project Site originally thought to qualify as H3 Habitat, but the Project's building site is located completely within H3 Habitat and fully outside of H1 Habitat, though not outside of the H1 Buffer (all land within 100 feet of H1 Habitat). Due to the Project Site's size, topography, and existing habitat, the building site is unable to be designed without placement in the H1 Habitat Buffer even though it is limited to the upper northeast corner of the Project Site.
52. The Board finds that exhaustive evaluations of on-site biological resources were considered and that there is no better feasible alternative for siting the Project's

proposed residence at the Project Site. Alternatives considered, but rejected due to resulting additional impacts, included siting the residence further to the east, further to the north closer to Grandview Drive, and reconfiguring the orientation. The alternative to move the residence further to the east was rejected, as it would result in non-complaint side yard setbacks and non-compliant required firefighter access walkways, and require additional oak tree impacts to the off-site oak tree located to the northeast. The alternative to move the residence closer to Grandview Drive was rejected because it would not meet the required front yard setback, would also obstruct the proposed and future seepage pit locations for the OWTS, and may also impact the oak tree located off-site to the northeast by encroaching upon it. The alternative to reconfigure the orientation of the residence was rejected due to the various site constraints including setbacks, seepage pits, oak trees, H1 Habitat, and access requirements. Alternate configurations would also result in more grading or inconsistency with the other requirements of the SMMLIP and Fire Department and Public Health requirements.

53. The Board finds that the Project complies with County Code Sections 22.444.950.G and 22.44.1920.K, which prohibit impacts to native oak trees, except where no other feasible alternative exists to allow a principal permitted use that is the minimum necessary to provide a reasonable economic use of the property. The Project includes the removal of one isolated oak tree within the H3 Habitat area and is not a part of the nearby oak woodland. The impact to the oak tree has been appropriately designed to balance all potential Project impacts and designed so that the siting of the proposed residence minimizes impacts to oak trees while also minimizing grading, impacts to biological and visual resources, and maintains access and safety requirements. Because there are unavoidable adverse impacts to a native tree, those impacts must be mitigated, pursuant to County Code Sections 22.44.950.G and 22.44.1920.K.1, as follows:
- A. The Project includes replacement plantings in the form of protection of 10 oak tree saplings, which is equivalent mitigation to the 10:1 ratio required by County Code Section 22.44.950.O.1, as recommended by Staff and the ERB. The preservation of the 10 oak tree saplings may have otherwise been removed due to existing fuel modification activities in the oak woodland.
  - B. The Applicant has volunteered to preserve an additional five oak tree saplings, to ensure survival of a total of 15 oak trees. The mitigation trees are naturally occurring within the existing H1 oak woodland and are of the same species: *quercus agrifolia*. The Project is conditioned to require monitoring of the mitigation trees for a period of not less than 10 years and to provide an annual monitoring report for review by the County. The Project is conditioned to require that if the mitigation trees subject to monitoring do not survive during the monitoring period, the Applicant shall replace any lost mitigation trees.

- C. The Project is conditioned to require the submittal and implementation of a plan for protecting oak trees on the subject property during and after development, pursuant to the requirements of County Code Section 22.44.950.O.6, Subsections a through h. Such plan includes the installation of chain link fencing to protect the oak trees on-site, an on-site biologist or arborist during grading activities, the use of hand tools only within the protected zone of oak trees, appropriate identification tags on all oak trees, and maintaining a copy of the approved Minor CDP and Conditions of Approval on-site during work involving the oak trees.
54. The Board finds that the Project meets the standards outlined in County Code Section 22.44.1890.D.8 allowing development within the H1 Habitat Buffer area without providing a buffer of 100 feet, as follows:
- A. The Project is located on three lots that were legally created as documented by Certificate of Compliance No. 21409 and recorded on January 31, 1983, which will be ultimately merged as one lot.
  - B. The Project includes a modest size two-bedroom single-family residence, two-car garage, OWTS, and driveway, which the Applicant has indicated is the minimum development necessary to provide reasonable economic use of the property and which does not exceed the maximum standards outlined in County Code Sections 22.44.1910 and 22.44.1920.
  - C. The Project Site is 22,196 square feet, of which 69 percent of the area is mapped H1 Habitat and 31 percent of the Project Site is mapped H3 Habitat. Based on the location of the mapped H1 Habitat, there is no area on the Project Site that can be developed to avoid the H1 Habitat Buffer.
  - D. The Project provides a buffer of at least five feet between the corner of the foundation walls of the garage and the H1 Habitat boundary, which expands to 12 feet near the first floor of the residence, which is the maximum feasible buffer.
  - E. The Project is sited and designed to prevent impacts that would significantly degrade H1 Habitat, as it is located fully within the H3 Habitat and clustered near the existing road and near existing single-family residences to the north. The building site orientation is further restricted by the layout of the OWTS system, which is located between the residence and the road, with the minimum separation requirements set by Public Health. The OWTS seepage pits are located in the least environmentally impactful location, furthest from the areas designated as H1 Habitat and the nearby stream. A Variance is required because it is located within 50 feet of four off-site oak trees north of the Project Site, as outlined in County Code Section 22.44.1340.B.3.c.

- F. The Project incorporates all feasible mitigation measures to minimize adverse environmental effects as follows:
- i. As required by County Code Section 22.44.950.O.1, the removal of one oak tree shall be mitigated at a ratio of 10:1, and the Project includes the protection of 10 oak tree saplings as equivalent mitigation plantings recommended by the Staff Biologist and the ERB to mitigate the removal of one isolated oak tree within the H3 Habitat area that is not a part of the nearby oak woodland. The mitigation trees are of the same species as the removed tree, and the Applicant has volunteered to preserve additional five oak tree saplings as mitigation planting to ensure survival of a total of 15 oak trees. The Project design further avoids encroachment or removal of five oak trees on-site. Collectively, the protection of 20 oak trees within the H1 oak woodland habitat would serve to improve the existing habitat and provide adequate offset for impacts generated by the removal of the one native oak tree and removal of the non-native pine and eucalyptus trees near the Project driveway.
  - ii. The Project also includes improvements to an existing storm water drainpipe located at the northeast corner of the Project Site, which drains storm water collected from the public road on to the Project Site. Although the drainpipe was likely installed by Public Works at some point, no records exist to substantiate its actual construction. Based on the location and connection to other street improvements, it was determined to have likely been installed as a public drain for the benefit of the neighborhood. The Applicant, in coordination with Public Works, determined that the drain could be improved as part of this Project to ensure reduced storm water runoff impacts on the stream below and ensure slope stabilization for the Project Site, and, as a result, the Project includes repair and maintenance of the drainpipe and installation of a headwall and riprap cobble bed to slow storm water runoff and allow more natural percolation on-site and slower draining down slope in the historic drain pattern.
  - iii. All on-site areas outside of the Project's building site area and Fuel Modification Zones A and B shall be preserved through an Open Space Easement, recordation of which shall be a Condition of Approval of the Project.

55. The Board finds that the Project's driveway is not expected to generate any impact to the H1 Habitat, and the access driveway may be allowed in the H1 Habitat Buffer, as provided for in County Code Section 22.44.1890.D.7, as follows:

- A. It is located in the only feasible location to provide access;

- B. It is located completely outside of the H1 Habitat area;
  - C. It is compatible with the continuance of the H1 Habitat; and
  - D. All feasible mitigation measures have been provided to minimize adverse environmental effects, as set forth in Paragraph 54.F, above.
56. The Board finds that the Project meets the requirements for GSA and building site area, as the Project is designed to minimize the bulk, scale, and total square footage of the residence. Several ordinance-size oak trees exist on the Project Site, which limit the size and location of the Project. The options for the Project's building site are further limited by overlapping brush clearance boundaries, triggered by existing legally-established residences, and evidence of on-site brush clearance. The Project is located along the north upper slope of the Project Site, which limits the length of the required access drive and limits the necessary impervious surfaces to allow minimal access to the Project Site. The Project incorporates no on-site landscaping and would foster the natural oak woodland to further reduce impacts generated by the new residence. The residence is designed in two levels to step down the terrain and fit within the topography of the Project Site, and the building's design is compact and cut into the hillside to limit land alterations. The maximum height of the residence is 30 feet, while most elevations typically measure 15 to 20 feet.
57. The Board finds that the Project is adequately designed to avoid impacts to H1 habitat with less than a 100-foot habitat buffer and is consistent with the mitigation requirements of County Code Section 22.44.1950. The Project is located in H3 Habitat, and while it only provides a five-foot buffer from H1 Habitat, no new impacts to H1 Habitat will occur as a result of the Project. The Project will be conditioned to require mitigation through the Resource Conservation Program ("RCP") or through restoration as mitigation, pursuant to County Code Section 22.44.1950.A, as follows:
- A. If the RCP is valid and in effect at the time the Project Permits are utilized, the Applicant shall verify the precise area of H1 Habitat that intersects with the Project limits of disturbance due to the provision of less than a 100-foot H1 Habitat Buffer and report that determination to the Director for final verification of the payment amount for the in-lieu fee of the RCP. The proposed area of H1 Habitat intersecting with the Project limits of disturbance due to the provision of less than a 100-foot buffer with approved building site area and driveway measures 3,575 square feet, and non-irrigated fuel modification area (on-site) measures 22,196 square feet (total area of Lots 8, 9, and 10).
  - B. 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 the certificate of occupancy for the Project.

- C. Should the RCP not be valid and in effect at the time the Project Permits are utilized, the County shall require restoration as mitigation instead of reliance on the RCP, pursuant to County Code Section 22.44.1950.C. In such case, the Applicant shall be required to submit a restoration or enhancement plan for review and acceptance by the Director. The habitat restoration or enhancement shall be conditioned to be completed prior to or concurrently with construction of the Project, and in any case, the vegetation and irrigation installation for the restoration or enhancement shall be completed prior to issuance of a certificate of occupancy for any portion of the Project.
58. The Board finds that the Project is consistent with the standards identified in County Code Section 22.44.2050 for the Hazards Area, which is established to protect public health and safety by reducing and mitigating hazards associated with fire, geologic and soil conditions, earthquakes, and flooding that could affect development proposals in the Coastal Zone. The Project is located on sloping terrain which was considered by Public Works and, having addressed concerns related to the construction of the residence, recommended approval of the Project in its letter dated July 12, 2018, with the incorporation of Conditions as proposed in the Project's Conditions of Approval. The Project also includes a Fuel Modification Plan, approved by the Fire Department on July 25, 2018, as noted in its letter dated August 31, 2018, to address concerns related to fire hazards.
59. The Board finds that the Project is consistent with the development standards for RVs in County Code Section 22.44.2140. The Project is located within the Fernwood RV and is subject to the Slope Intensity Formula which establishes a formula to determine the maximum allowable GSA of a residential unit to be constructed. The base maximum GSA allowed for the Project is 1,625 square feet, but the Project is proposing a 2,125-square-foot single-family residence and a 400-square-foot garage. Because the proposed residence is larger than the maximum GSA, the Project is proposing to increase the maximum allowable GSA in accordance with the incentives contained in County Code Section 22.44.2140.A.3.d, which allow the maximum GSA to be increased by 500 square feet or 12.5 percent of the total lot area, whichever is less. The LLA merges two adjoining lots (Lot 8 and Lot 9) to create one lot containing the building site area, and the third adjoining lot (Lot 10) will be utilized for additional GSA. The Project proposes to add 500 square feet to the maximum allowable GSA by retiring all potential future development on Lot 10, and thus must comply with either Subsection A or B of County Code Section 22.44.2140.A.3.d.iv, which requirement shall be included in the Project's Conditions of Approval. Pursuant to County Code Section 22.44.2140.A.3.c, if the approved GSA is based on a building site that includes portions of more than one existing parcel, the Applicant shall merge the parcels into one lot. The Project accomplishes this combination by a merger through an LLA, pursuant to County Code Section 22.44.680.H. Both the merger of Lots 8 and 9 for purposes of creating a building site and the



merging of the retired Lot 10 for GSA credit require an LLA as part of the Minor CDP request.

60. The Board finds that the Project meets the requirements of County Code Section 22.44.680 to approve a Minor CDP for an LLA as follows:
  - A. The Project involves merging three existing legal lots, as documented by Certificate of Compliance No. 21409 recorded on January 31, 1983.
  - B. The proposed resulting lot is configured to avoid traffic congestion and provide for the safety and convenience of pedestrians and bicyclists, protection of public health and safety, and to prevent adverse effects on the neighboring property as the Project fronts Grandview Drive, an existing two-lane, 18-foot-wide road.
  - C. The Project design and frontage are consistent with the SMMLIP, as it maintains street frontage and would merge adjoining lots to accommodate the building site area and subsequently merge such lot with a third lot that will have all development rights retired in perpetuity for purposes of additional GSA. The Project would not result in impacts to the right-of-way and would prevent adverse effects by permanently extinguishing future development on one adjoining lot and by recordation of an Open Space Easement on all areas outside of the approved building site area within the resulting merged lot.
  - D. While the Project would require a building site area and one 20-foot-long access driveway in H1 Habitat Buffer, the final resulting lot allows development that more closely conforms to SMMLCP policies and standards than development on existing parcels because the proposed reconfiguration provides a building site area on portions of two parcels that are in H3 Habitat and does not impact H1 Habitat.
  - E. The Project does not result in the creation of any new net lots, as it does not divide any of the existing three legal lots and as such is consistent with the requirements for land divisions contained in County Code Section 22.44.640.A.
  - F. The merger of two lots for the building site area and extinguishment of future potential development of the remaining lot prevents all impacts from future development on two of three parcels which serves to reduce total landform alteration and visual impacts along the scenic road, in comparison with the potential impacts resulting from the development of all three lots.
  - G. The LLA does not adversely impact H1 Habitat or H1 Habitat Buffer as the Project is only within H3 Habitat and does not result in any new impacts to H1 Habitat or H1 Habitat Buffer, pursuant to the approved fuel modification plan.

- E. The Project is conditioned to require the recordation of a Certificate of Compliance containing the description of the parcels as they will exist after the mergers and require the recordation of an Open Space Easement across all portions outside of the proposed building site area to maintain the areas as open space in perpetuity.
61. The Board finds that the Project also meets all requirements of County Code Sections 22.44.640.A and 22.44.640.B for an LLA, as follows:
- A. The existing parcels proposed to be merged are all legal lots; the LLA is consistent with all applicable LCP policies; and the resulting density does not exceed the maximum allowed because the Project proposes one single-family residence by combining three existing parcels into one. The Project limits the potential future density by merging two lots to accommodate one building site area and utilizes a GSA incentive to retire the future development rights on one adjoining parcel. The result is a density of one unit on three lots that are recombined into one lot. The Project does not create any parcels smaller than the average size of the surrounding parcels. The existing parcels are legal lots, and the merger for building site purposes does not alter the size of any of the existing lots. The Project clusters the building site area close to Grandview Drive and within the surrounding existing fuel modification zones for existing residential development, which serves to maximize open space in all areas outside of the approved building site area in H1 Habitat and H1 Buffer areas. Preservation of such open space will reduce erosion and sedimentation by reducing the total area of impervious surfaces and managing storm water runoff, pursuant to LID requirements. The Project includes one safe, all-weather driveway accessible from Grandview Drive and does not require the creation of slopes greater than 15 percent to construct such driveway. The Project does not divide any lot entirely designated as H1 Habitat, H1 Habitat Buffer, and/or H2 "High Scrutiny" Habitat because the Project Site is comprised of H3 Habitat and H1 Habitat with H1 Habitat Buffer and no division of lot is occurring, only a combination by a merger through an LLA with a recordation of an Open Space Easement over those portions located outside of the building site area.
  - B. The Project and its proposed merger do not entail construction of a building site, road and/or driveway in H1 Habitat, H1 Quiet Zone, H2 "High Scrutiny" Habitat, on a coastal bluff, or on a beach. The Project does require the creation of a building site area and driveway in H1 Habitat Buffer within H3 Habitat but there are no resulting impacts to H1 Habitat as there is no direct development or impacts from fuel modification or brush clearance occurring in any H1 Habitat. The Project accommodates development that more closely conforms to the LCP policies and standards than development on the existing parcels because the merger allows the creation of a building site area in H3 Habitat and avoids new

impacts to H1 Habitat. Any development that could occur on the three existing lots would require the construction of an access driveway located in the H1 Habitat Buffer. However, because the Project is merging two lots to create one lot, with a building site area in H3 Habitat only, and retires the development rights on a third lot in perpetuity for purposes of GSA credit, it reduces the total potential direct development disturbance and fuel modification or brush clearance that would be required if all three lots were developed.

- C. The Project does not create any additional lots and only includes an LLA to merge existing lots, to obtain additional GSA and to create a lot with a building site area that allows development which is more closely conforming to the LCP and proposes to retire the development rights in perpetuity on Lot 10, through an Open Space Easement.
- D. The layout of the proposed lot configuration for the Project is designed to avoid and minimize impacts to visual resources by clustering the one building site close to Grandview Drive requiring only one 20-foot-long driveway, and is located on the less steep upper portions of the Project Site, thereby reducing the grading and landform alteration required. The Project does not create any new lots but merges three existing lots into one lot with a building site area and an Open Space Easement across all portions of the resulting merged lot outside of the approved building site area.
- E. The Project's grading, layout, and LID design meet County requirements for flooding, erosion control, geological, and extreme fire hazards, and has been reviewed and cleared for public hearing by Public Works and the Fire Department. The Project is in an area with adequate public services near Grandview Drive and with water service from the Las Virgenes Municipal Water District and an on-site OWTS that was reviewed by Public Health.
- F. The Project is not located on a beachfront or shoreline, and the feasible building site area and access driveway are not located in H1 Habitat, the H1 Quiet Zone, or H2 "High Scrutiny" Habitat. The building site and access road are in H3 Habitat within H1 Habitat Buffer but are permissible, pursuant to County Code Sections 22.44.1890, 22.44.640, and 22.44.680. The Project does not require any vegetation removal or thinning for fuel modification in any area other than H3 Habitat and does not require irrigated fuel modification in the H1 Quiet Zone or H1 Habitat Buffer, pursuant to the site plans and approved Fuel Modification Plan for the Project.
- G. The Project does not include any H2 Habitat Buffer.

62. The Board finds that the proposed development is in conformity with the certified SMMLCP. The Project is designed in a compact manner to reduce the overall impact to the Project Site. Grading is limited to the building pad and driveway and would not make significant alterations to the Project Site beyond the proposed building site area. The Project is placed as far from the H1 Habitat as feasible to allow reasonable economic use of the Project Site. The Project would require the removal of one oak tree and mitigation would be achieved by the protection of 15 on-site saplings, as supported and recommended by the ERB. The Project is not considered a part of a Scenic Resource Area, as demonstrated by the installation of story poles at the Project Site on June 18, 2021. The Project was reviewed by the ERB on April 16, 2018, where a revised H1 Habitat and H3 Habitat boundary were reviewed and recommended to accompany the Project. The Project reflects colors, materials, lighting, and design elements to blend into the natural surrounding and to be compatible with the surrounding neighborhood. The Board finds that Project is not located between the nearest public road and the sea or the shoreline of any body of water in the Coastal Zone, nor is the Project Site used for public access or public trails in the vicinity, and therefore, Chapter 3 of Division 20 of the Public Resources Code does not apply.
63. The Board finds that Project is not located between the nearest public road and the sea or the shoreline of any body of water in the Coastal Zone, nor is the Project Site used for public access or public trails in the vicinity, and therefore, Chapter 3 of Division 20 of the Public Resources Code does not apply.
64. The Board finds that given the nature of the use and the surrounding area, it is appropriate to not require a grant term for the Project Permits.
65. The Board finds that there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classifications. Due to the topographic and biological constraints of the Project Site, a special circumstance exists that would warrant the placement of the OWTS seepage pits within the 50-foot buffer of four oak tree driplines near the front of the property, as it is infeasible to place the seepage pits on the Project Site without an impact to the 50-foot buffer of an oak tree or other native tree. Additionally, if alternative locations could be identified to avoid the 50-foot oak tree dripline buffer, most other locations on the Project Site would result in the encroachment of the 150-foot creek buffer, as the creek runs along the full width of the lower portion of the Project Site. The Building Code also requires that the seepage pits be placed to have a minimum buffer between two seepage pits of at least 15 feet each; therefore, pits must be at least 30 feet apart, further constraining the placement of the pits. Additionally, the intent of the buffer from oak trees is related to the protection of native trees that serve to reduce erosion, flooding, and inundation. The proposed seepage pits are set in pits with a 15-foot depth which is significantly lower than the root structures of the impacted trees, which

would typically have roots closer to the surface of the soil, and the moisture from the pits would not be expected to cause a significant impact to the two encroached oak trees. Therefore, due to the Project Site's topography, creek, and number of on-site oak trees, the Board finds that special circumstances warrant a variance to County Code Section 22.44.1340.B.3.c, and is needed for the following reasons:

- A. The Project includes development within the H1 Habitat Buffer, as allowed, pursuant to County Code Sections 22.44.1890.D.7 and 22.44.1890.D.8.
  - B. It will preserve a substantial property right of the Applicant, such as that possessed by owners of other property in the same vicinity and zone. The Project includes the construction of one single-family residence and would tie three lots together as one, extinguishing the full development potential of two lots as a result. The proposed residence, having a building site area of 3,575 square feet, would maintain nearly 75 percent of the lot as undeveloped other than by minimal brush clearance which is already occurring on-site for surrounding residences. The proposed residence is 2,125 square feet and is modest in size and is clustered towards Grandview Drive with minimal site work beyond the building pad.
  - C. It will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone, as the Variance would allow the placement of two seepage pits which are not expected to cause structural or vegetation loss in the area.
  - D. It will not be materially detrimental to coastal resources. Due to the constraints on the Project Site's topography, the number of native trees on the Project Site, and the location of the on-site creek, the location of the seepage pits is such that it would be the least impactful to the creek and H1 Habitat located on the south side of the Project Site. Although the seepage pits would encroach slightly into the 50-foot dripline buffer of four trees, the seepage pits avoid impacting a greater number of tree, which would occur if the pits were to be located lower on the lot.
66. The Board finds that the Project is exempt from CEQA, pursuant to a Class 3 (New Construction or Conversion of Small Structures, section 15303) and a Class 4 (Minor Alternations to Land, section 15304) categorical exemption under the State CEQA Guidelines and the County Environmental Document Reporting Procedures and Guidelines, and that the exceptions to the exemptions set forth in CEQA Guidelines section 15300.2 do not apply.
- A. The Project qualifies for a Class 3 Categorical Exemption, as it would construct one single-family residence, garage, and infrastructure including a driveway, OWTS, and retaining walls. Class 3 Categorical Exemptions generally apply to projects considered small in nature, including the

construction of a single-family residence, and allow for accessory uses including garages, patio covers and water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

- B. Class 4 Categorical Exemptions consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Categorical Exemption includes grading on land of 10 percent or greater slope involved with one single-family residence and accessory uses and also includes the removal of one or two trees less than 36 inches in diameter. The Project would require removal of one on-site oak tree which is less than 36 inches in diameter and is mitigated through on-site protection of 15 sapling oak trees on the Project Site. Additionally, the removed oak tree is in average health, small in size, and below average aesthetic conformity due to thin foliage, branch dieback, and insect damage, and would not be detrimental to the overall existing woodland on the Project Site. The Project's fuel modification activities are also subject to the Class 4 Categorical Exemption as set forth in section 15304(i) of the CEQA Guidelines, as the Project is within a very high fire hazard zone and would not impact the H1 creek habitat on the Project Site, as indicated on the approved Fuel Modification Plan.
67. The Board finds that pursuant to County Code Sections 22.44.840 and 22.44.990, the community was properly notified of the public hearing by mail, advertisement in the Metropolitan News-Enterprise newspaper, and property posting. Additionally, the Project was noticed, and case materials were available on Regional Planning's website. On July 24, 2022, a total of 15 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 three notices to additional interested parties.
68. The location of the documents and other materials constituting the record of proceedings upon which the Board'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 the Coastal Development Services Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:**

**Regarding the Coastal Development Permit**

- A. The proposed Project is in conformity with the SMMLCP; and
- B. The proposed Project is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

**Regarding the Variance**

- C. Because of special circumstances or exceptional characteristics applicable to the Project Site, the strict application of the County Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- D. The Variance authorized will not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the Project is situated.
- E. The strict application of zoning regulations as they apply to the Project will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards.
- F. The granting of the Variance will not be detrimental to the public health, safety, or general welfare, or the use, enjoyment or valuation of property of other persons located in the vicinity; and
- G. The granting of the Variance will not be materially detrimental to coastal resources.

**THEREFORE, THE BOARD OF SUPERVISORS:**

- 1. Finds that the Project is exempt from CEQA, pursuant to a Class 3 (New Construction or Conversion of Small Structures, section 15303) and a Class 4 (Minor Alternations to Land, section 15304) categorical exemption under State CEQA Guidelines and the County Environmental Document Reporting Procedures and Guidelines;
- 2. Denies the appeal of the Project; and
- 3. Approves Minor CDP No. RPPL2017-008272-(3), Variance No. RPPL2017-008273-(3), and LLA No. RPPL2020-002772-(3), subject to the attached Conditions of Approval.