



County of Los Angeles

June 16, 2026

Dawyn R. Harrison  
County Counsel

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

**Board of Supervisors**

Hilda L. Solis  
Supervisor, First District

**Re: PROJECT NO. R2011-01126-(3)  
(10/28/25 Board Agenda; Item No. 5)**

Holly J. Mitchell  
Supervisor, Second District

Dear Supervisors:

Lindsey P. Horvath  
Supervisor, Third District

Your Board previously conducted on October 28, 2025, a duly-noticed public hearing regarding the above-referenced project (Project). The Project consists of Minor Coastal Development Permit No. 201500036-(3) and Variance No. RPPL2019006788-(3), to authorize the construction of a new 2-story, 2,479-square-foot single-family residence, an attached 2-car, 526-square-foot garage, and an on-site wastewater treatment system with leach fields that are within 100 feet of a stream and within 50 feet of oak and other native trees. The Project is located at 25830 Dark Creek Road, Calabasas, in the unincorporated community of the Santa Monica Mountains Coastal Zone applied for by Gary and Jeannine Isbell. At the conclusion of the public hearing, your Board indicated an intent to approve the Project and instructed our office to prepare the necessary documents. Enclosed are the findings and conditions.

Janice Hahn  
Supervisor, Fourth District

Kathryn Barger  
Supervisor, Fifth District



Very truly yours,

DAWYN R. HARRISON  
County Counsel

By   
KATHY PARK  
Deputy County Counsel

APPROVED AND RELEASED:



JENNIFER A.D. LEHMAN  
Senior Assistant County Counsel

KP:ll  
Enclosures

c: Joseph M. Nicchitta, Chief Executive Officer  
Edward Yen, Executive Officer, Board of Supervisors  
Amy J. Bodek, Director, Department of Regional Planning

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NO. R2011-01126-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201500036-(3)  
VARIANCE NO. RPPL2019006788-(3)**

1. The Los Angeles County (County) Board of Supervisors (Board) conducted a duly-noticed public hearing on October 28, 2025, in the matter of Project No. R2011-01126-(3) (Project), consisting of Minor Coastal Development Permit No. 201500036-(3) (Minor CDP) and Variance No. RPPL2019006788-(3) (Variance). The Minor CDP and Variance are referred to collectively as "Project Permits." On March 19, 2025, the County Regional Planning Commission (Commission) conducted a duly-noticed public hearing on the Project Permits. Prior to the Commission's hearing, the County Hearing Officer conducted duly-noticed public hearings on September 17, 2024, and continued to October 22, 2024, on the Project Permits.
2. Gary and Jeannine Isbell (Applicants) request the Project Permits to authorize the construction of a new 2-story, 2,479-square-foot, single-family residence, an attached 526-square-foot 2-car garage, and an on-site wastewater treatment system (OWTS) with leach fields within 100 feet of a stream and within 50 feet of oak and other native trees. The Project is located at 25830 Dark Creek Road, Calabasas (Assessor's Parcel No. 4456-011-095) in the unincorporated community of the Santa Monica Mountains Coastal Zone (Project Site). A total of 354 cubic yards of earth would be graded, consisting of zero cubic yards of cut, 354 cubic yards of fill, and zero cubic yards of export. The Project is located within mapped H3 Habitat, H1 Habitat Buffer, and H1 Quiet Zone categories.
3. The Minor CDP is required to construct a new single-family residence in the R-C-1 (Rural Coastal – 1 Acre Minimum Required Lot Area) Zone, pursuant to Los Angeles County Code (County Code) Section 22.44.810. The Variance is required to construct an OWTS with leach fields within 100 feet of a stream and within 50 feet of oak and other native trees, pursuant to County Code Sections 22.44.1150 and 22.44.1340.
4. The Project Site is located within the Rural Village (RV) land use designation of the Santa Monica Mountains Local Coastal Program (LCP) Land Use Policy (LUP) Map.
5. The Project Site is located in the Santa Monica Mountains Planning Area. Pursuant to County Code Section 22.44.1750, a single-family residence is a principal permitted use within the R-C Zone. The Project is located within the California Coastal Commission's mapped appeal jurisdiction, exceeds 50 cubic yards of grading, requires a Variance, and results in development activity within 200 feet of H1 Habitat, which requires review by the Environmental Review Board (ERB). Therefore, a Minor CDP is required for all Project activities,

pursuant to County Code Sections 22.44.860.A.2, 22.44.940.A, 22.44.940.B, and 22.44.1260.C.2.

6. Surrounding zoning within a 500-foot radius of the Project Site includes:
  - North: R-C-1;
  - South: R-C-1;
  - East: R-C-1; and
  - West: R-C-1.
  
7. Surrounding land uses within 500-foot radius of the Project Site:
  - North: Vacant;
  - South: Single-Family Residential;
  - East: Equestrian Use and Single-Family Residential; and
  - West: Single-Family Residential.
  
8. The Project Site is 43,300 gross square feet (0.99 gross acres) in size and consists of one legal lot. The Project Site is undeveloped and is irregular in shape with gentle to steep sloping topography. The Project Site includes areas mapped as H1 Habitat, H1 Habitat Buffer, H1 Quiet Zone, and H3 Habitat within the Santa Monica Mountains LUP. Riparian vegetation on the southern portion of the Project Site is mapped as H1 Habitat. While the entire area proposed for development is mapped as H3 Habitat, it is within 200 feet of H1 Habitat, which places it within the H1 Habitat Buffer (0 to 100 feet away) or the H1 Quiet Zone (100 to 200 feet away).
  
9. The Project Site is accessible via Dark Creek Road to the north. Dark Creek Road is a private street that becomes a 40-foot-wide public road approximately 350 feet to the east.
  
10. The site plan depicts the Project Site with a new 2,479-square-foot, 2-story single-family residence with a 526-square-foot attached 2-car garage. The structure measures 24.5 feet in height. The residence will have three bedrooms, a den, a kitchen, and three bathrooms. Ingress and egress to the Project Site is provided by a 20-foot-wide gravel driveway accessing Dark Creek Road to the north. Oak woodlands are located on the western portion of the Project Site, and riparian habitat is located on the southern portion of the Project Site. The proposed building site area (BSA) is 9,909 square feet and is located on the northern portion of the Project Site where the topography is flattest and the ground is already disturbed.
  
11. The OWTS with a leach field would be located 50 feet east of the residence, less than 50 feet from the driplines of six oak trees and the canopy of riparian habitats. A 20-foot-wide, 150-foot-long paved driveway would provide access to Dark Creek Road to the southeast. While the entirety of the BSA is mapped as H3 Habitat, it is within 200 feet of H1 Habitat, which places it within the H1 Habitat Buffer and the H1 Quiet Zone. The Project would not require any new

fuel modification within H1 Habitat, as all H1 Habitat within the approved fuel modification radius (100 feet) is already subject to fuel modification for adjacent residences to the south, west, and east.

12. Prior to the Commission's public hearing on the Project, the County Department of Regional Planning (Regional Planning) staff (Staff) determined the Project qualified for a Class 3, New Construction or Conversion of Small Structures, and Class 4, Minor Alterations to Land, categorical exemptions from the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the State CEQA Guidelines (Title 14, Cal. Code Regs., Chapter 3, §§ 15000-15387), and the Environmental Document Reporting Procedures and Guidelines for the County. Pursuant to section 15303 of the State CEQA Guidelines, the Class 3 Categorical Exemption includes a single-family residence. Pursuant to section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation, which do not involve removal of healthy, mature, and scenic trees, except for forestry and agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Categorical Exemption includes grading on land with a slope of 10 percent or less, which is associated with one single-family residence and accessory uses. The Project qualifies for a Class 3 categorical exemption because the Project includes a proposal to construct a single-family residence and ancillary facilities, and a Class 4 categorical exemption as the Project includes 354 cubic yards of grading, hardscaping, and fuel management activities associated with a new single-family residence.
13. Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are, therefore, not eligible for certain CEQA exemptions, including the Class 3 and Class 4 categorical exemptions mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted, pursuant to laws by federal, State, or local agencies. Exceptions to the exemptions also include project activities that will have a significant effect on the environment due to unusual circumstances. However, the Project is not subject to an exception to the CEQA exemptions because the biological inventory and environmental assessment of the area of Project disturbance do not indicate the presence of sensitive biological resources which would be impacted by implementation and operation of the Project, as described in detail below.
14. The Applicants completed a biological assessment that was reviewed by the Regional Planning Staff biologist (Staff Biologist), who conducted a site visit and confirmed the contents of the biological assessment. The biological assessment confirms the portion of the Project Site proposed for development does not contain any State-designated environmental resources of hazardous or critical concern; does not contain any plants or animals listed as federal, State, or locally

sensitive; and is not considered a particularly sensitive environment. The area subject to development, including the new fuel modification area and the proposed BSA, would not extend into H1 Habitat, which is described in the Santa Monica Mountains Local Implementation Program (LIP) as habitats with the highest biological significance. The Project, which is not visible from any scenic highway, trail, or parklands, is not expected to impact scenic resources, nor likely to have a cumulative or significant effect on the environment, as it consists of one single-family residence in an area of existing development; and no hazardous waste sites or historic resources would be affected. The Project was evaluated by the ERB on September 18, 2023, and the Project was deemed consistent with the policies and development standards of the LCP. Therefore, Staff recommended that the Project qualified to be categorically exempt from CEQA.

15. Prior to the Hearing Officer's hearing on the Project, Staff received two comments opposing the Project and the following recommendations from County departments, which are incorporated as part of the conditions of approval:
  - A. County Department of Public Works (Public Works): Recommended clearance to public hearing with no conditions in a letter dated November 12, 2019.
  - B. County Fire Department: Recommended clearance to public hearing with no conditions in a letter dated February 4, 2019.
  - C. County Department of Parks and Recreation: Recommended clearance to public hearing with no conditions in a letter dated October 5, 2017.
  - D. State of California Department of Fish and Wildlife (CDFW): Recommended clearance to public hearing with conditions in a letter dated September 14, 2021.
  - E. County ERB: Recommended clearance to public hearing with conditions at a meeting held on March 18, 2013.
  - F. County Department of Public Health (Public Health): Recommended clearance to public hearing with conditions in a letter dated June 16, 2021.
16. The Hearing Officer noticed a public hearing for September 17, 2024, which was continued to October 22, 2024, to ensure that posting, noticing, and story pole requirements were completed. At the public hearing held on October 22, 2024, Staff provided a presentation and recommendation for approval, with conditions. The architect, Nick Kazemi, and the Applicants provided testimony and made themselves available for questions. Members of the public then provided testimony in opposition of the Project citing concerns regarding the perceived impact of the OWTS, flooding issues, and habitat impacts. The Hearing Officer had inquiries for Staff and following Staff's responses, closed the public hearing and approved the Project.

17. On November 1, 2024, Mark L. Marshall (Appellant) timely filed an appeal of the Hearing Officer's decision to approve the Project. The Appellant cited concerns with the Project's negative environmental impacts, increased risk of community fire danger, potential health risks, and the Project's incompatibility with the rural setting. The Appellant objected to the loss of environmentally sensitive flora and habitat. The Appellant argued that the Project will lack adequate defensible space, posing a risk to the neighboring home; the OWTS will likely leach into the nearby creek; and the residential design is inconsistent and disharmonious with the style of nearby homes.
18. The Commission noticed a public hearing on the Project for February 5, 2025, which was continued to March 19, 2025, without opening the public hearing due to an ongoing disaster impacting the region. At the public hearing on March 19, 2025, Staff provided a presentation and recommendation for approval, with conditions. Appellant presented testimony in opposition to the Project. Applicants also provided testimony and made themselves available for questions. Commissioner Yolanda Duarte-White had some questions for Staff about the Project's conditions of approval. Following Staff's responses to said questions, the Commission subsequently closed the public hearing, denied the appeal, and approved the Project.
19. On March 29, 2025, Appellant timely filed an appeal of the Commission's decision to the Board, on grounds similar to his prior appeal of the Hearing Officer decision.
20. On October 29, 2025, the Board conducted a duly-noticed public hearing on the Project. One comment was received in advance of the hearing that was neither in support nor in opposition to the Project. Regional Planning submitted a letter recommending that the Board deny the appeal and uphold the Commission's approval of the Project. Applicant, Gary Isbell, testified that he started the Project 16 years ago, has cooperated with Regional Planning and the California Coastal Commission, and has modified the Project to address prior issues. He also testified that the Project Site is currently vacant and is being used as a "trash dump" and "a motorcycle track." The Appellant then testified that he opposed the Project because it proposed to install a septic system at the front of the Project Site, and he was concerned about potential contamination. There were no further public comments about the Project at the hearing.

Supervisor Lindsey Horvath asked Staff if the Project would be required to comply with California Building Code Chapter 7A, which sets design and construction standards for new buildings located within a Wildland-Urban Interface Fire Area. Staff testified that the Project would have to comply with those standards, as determined by Public Works. Supervisor Horvath also asked Staff about the defensible space requirements for the Project, to which Staff testified that the defensible space requirements were determined and approved by the Fire Department via the Project's fuel modification plan, which requires fuel modification and removal of brush and dry leaves within a 200-foot radius

around the Project Site. Supervisor Horvath also asked if the CDFW reviewed the Project and if the conditions of approval for the Project would require a qualified biological monitor to be retained during construction of the Project to avoid potential impacts to biological resources. Staff confirmed that the CDFW indicated the Project could proceed as designed and the conditions of approval would require a biological monitor to be on-site during construction. Thereafter, on motion of Supervisor Horvath, seconded by Supervisor Kathryn Barger, the Board closed the public hearing, found the Project to be exempt from CEQA, indicated its intent to deny the appeal and uphold the Commission's approval of the Project, and instructed County Counsel to prepare the necessary findings to uphold the Commission's approval of the Project.

21. The Board finds the Project is consistent with the goals and policies of the LUP because the RV land use designation is intended for low-density single-family detached homes, such as the Project. The Board further finds the Project maintains the continuity of small, integrated communities, which is characteristic of areas in the RV land use designation.
22. The Board finds the Project is consistent with LUP Policy LU-29: "Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles." The Project is one appropriately-sized single-family residence located within a rural residential area. The Project will retain the natural terrain because the BSA will be on the flattest portion of the Project Site with minimal amounts of grading.
23. The Board finds the Project is consistent with LUP Conservation and Open Space Element Policy CO-108: "Site and design new development to minimize the amount of grading and the alteration of natural landforms" and Policy CO-109: "Site and design new development to protect natural features and minimize removal of natural vegetation." The Project would utilize a gently sloping portion of the Project Site that was previously disturbed and consists of non-native grasses. This location will avoid the need to remove native vegetation and grade large amounts of earth. It will also avoid all development, including fuel modification, within H1 Habitat, as all H1 Habitat within the approved fuel modification radius is within the off-site fuel modification zones of the adjacent residences to the south and east.
24. The Board finds the Project is consistent with LUP Policy LU-32: "Restrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small, constrained parcels on coastal resources by applying the Slope Intensity Formula to residential development. The Slope Intensity Formula shall not apply to the Upper Latigo Rural Village." The Project does not exceed the Project Site's maximum allowable gross structural area (GSA) and complies with development standards related to height and setbacks. The Project Site's maximum allowable GSA is 2,938.79 square feet, and the Project's GSA is 2,605 square feet, which is calculated as 3,005 square feet for the combined single-family residence and the garage,

minus 400 square feet of garage space. Furthermore, the maximum allowable height is 30 feet, and the proposed height is 24 feet and 6 inches. The Project is not visible from any scenic resources.

25. The Board finds the Project is consistent with LUP Policy LU-36: "Development on parcels must be clustered and concentrated in one building site area, particularly within lands designated either Rural Lands or Rural Residential, to facilitate fire protection and to preserve and minimize impacts to coastal resources and the area of disturbance. Areas surrounding the approved building site area shall be required to be dedicated as open space in perpetuity." The Project is clustered and concentrated within the BSA. There are no proposed structures or additional development beyond the principal permitted use.
26. The Board finds the Project is consistent with LUP Policy LU-39: "Limit the length of private access roads to the minimum necessary to provide access to the approved building site of a legal parcel. Temporary roads approved for preliminary hydrologic or geologic testing shall be restored and not be considered an existing access road for subsequent development proposals." The Project proposes the shortest and most direct access between the garage and Dark Creek Road. The BSA is situated adjacent to Dark Creek Road, which serves as the primary ingress and egress to the Project Site.
27. The Board finds the Project is consistent with the R-C-1 zoning classification because a single-family residence is a principal permitted use in such zone with an administrative CDP, pursuant to County Code Section 22.44.1750. County Code Section 22.44.1620 requires a minor CDP for projects proposing between 50 and 5,000 cubic yards of grading. Since the Project proposes 354 cubic yards of grading and would encroach into the protected zones of three oak trees, a minor CDP is required instead of an administrative CDP.
28. The Board finds that the placement of OWTS leach fields less than 150 feet from a stream or less than 50 feet from the dripline of an oak or other native tree requires a variance, pursuant to County Code Section 22.44.1340 B.3.c. Additionally, because a new OWTS with leach fields would be located less than 50 feet from the driplines of six oak trees and the riparian canopy of other native trees, a variance is also required to authorize the placement of the OWTS as it deviates from the required development standards due to the physical constraints presented at the Project Site.
29. The Board finds the Project is consistent with the standards identified in County Code Sections 22.44.1375, 22.44.1710.E, and 22.44.1750.E. The front yard setback is 20 feet, which is the minimum required. The side yard setbacks exceed the minimum required five feet. The rear yard setback exceeds the minimum required 15 feet.
30. The Board finds the Project is consistent with the height limit standard identified in County Code Section 22.44.1250.B. The Project would have a maximum

height of 24.5 feet above grade, which is less than the maximum allowable height of 30 feet. The Project is not located within or nearby scenic resources and is, therefore, not subject to the 18-foot height limit for projects in Scenic Resource Areas.

31. The Board finds the Project is consistent with the parking standard identified in County Code Section 22.44.1410.Y. The project proposes a 526-square-foot 2-car garage.
32. The Board finds that, pursuant to County Code Section 22.44.1800 et seq., the Project was evaluated by the Regional Planning Staff Biologist and by the ERB. At a public meeting held on September 18, 2023, the ERB concluded that the Project is consistent with the applicable biological resource protection policies and development standards of the LCP after modifications, which included revisions of the Fuel Modification Plan and Biological Resources Map. The Project is appropriately conditioned to include the Staff Biologist and ERB recommendations to submit a revised Fuel Modification Plan that includes the ember resistant zone and a full depiction of fuel modification zone C, per the following:
  - A. The Project is located in an area on the Project Site with the least amount of impacts to habitat. As a result of the physical constraints of the Project Site, the residential structure maintains only a 50-foot buffer from nearby riparian trees, which is less than the 100-foot buffer from H1 Habitat required by County Code Section 22.44.1900.A.
  - B. Despite this encroachment into the H1 Habitat Buffer, the Project Site remains within the boundaries of the surrounding residential developments' existing overlapping fuel modification zones. The Project's fuel modification zones A and B have a combined width of 100 feet but remain within the existing fuel modification zones of neighboring developments. Therefore, the Project does not expand impacts within the H1 Habitat Buffer or the H1 Quiet Zone. The Project's fuel modification zone C extends outward to 200 feet and is not contained within existing overlapping fuel modification zones.
  - C. Fuel modification zone C is not designated by the Fire Department as an area requiring fuel modification or maintenance, unless determined necessary after an on-site inspection. Any future determination by the Fire Department to require fuel modification or maintenance of vegetation within fuel modification zone C is allowed by County Code Section 22.44.1890.D.8.
33. The Board finds the Project is consistent with the standards identified in County Code Section 22.44.1830. The Biological Resources Map has been adjusted to account for on-site H1 Riparian Habitat located along the southern property line, pursuant to the ERB's recommendations.

34. The Board finds the Project is consistent with the vegetation removal methods and requirements identified in County Code Section 22.44.1240. The Project is conditioned to prohibit the use of disking or other methods of clearance to bare earth within a fuel modification zone. The site plan associated with the Project depicts vegetation removal occurring only where the single-family residence will be located and within the associated fuel modification and brush clearance zones. The Project is sited to ensure the BSA is located on a portion of the Project Site clustered close to existing development. The totality of the Project resides within both H3 Habitat (existing disturbed areas) and H1 Habitat Buffer zones. Additionally, the majority of the Project resides within areas that are subject to existing fuel modification activities related to nearby development. No vegetation is proposed for removal; only thinning is necessary for fuel modification purposes.
35. The Board finds the Project is consistent with the applicable requirements for landscaping and the use of invasive plant species identified in County Code Section 22.44.1240.B. The Project proposes a landscape palette that utilizes locally indigenous species. The landscaping plan for the Project was reviewed by the Staff Biologist and the ERB, which approved the landscaping plan with a recommendation that native plants be incorporated into the landscaping plan, where feasible. The ERB found the landscaping plan to be consistent with the biological protection policies and provisions of the LCP.
36. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1890.D, which states that development that is not permitted in the H1 Habitat Buffer may be approved only when:
  - A. The Project Site is on a lawfully created parcel;
  - B. The development is the minimum necessary to provide the landowner with a reasonable economic use of the property;
  - C. There is no other feasible alternative building site location that can avoid the H1 Quiet Zone;
  - D. The maximum feasible H1 Quiet Zone width is provided between the development and the H1 Habitat Buffer;
  - E. The development is sited and designed to prevent impacts that would significantly degrade H1 Habitat; and
  - F. All feasible mitigation measures have been provided to minimize adverse environmental impacts.
37. The Board finds the residence is situated at the northern portion of the Project Site and at the furthest location away from the H1 Riparian Habitat and the stream located to the south. The single-family residence is positioned to minimize encroachments to oak trees on the western edge of the Project Site, which was

lawfully established by Certificate of Compliance No. 01-070. The proposed residence is the minimum amount of development necessary to provide reasonable economic use of the property and occupies the minimum necessary footprint. No other location on the Project Site exists that would result in a reduced impact to the existing habitat because roughly one-half of the parcel is mapped as H1 Habitat, and the remaining half is mapped as H1 Habitat Buffer Zone or H1 Quiet Zone.

38. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1910.C. This County Code Section states that new development shall be sited in a manner that avoids the most biologically sensitive habitat on-site, where feasible, in the following order of priority: H1 Habitat, H2 High Scrutiny Habitat, H2 Habitat, and H3 Habitat. The Project Site is located within H3 Habitat and the H1 Habitat Buffer Zone. No other location on the property has less habitat avoidance and less impact to sensitive habitat because the entire property is mapped as H1 Habitat, H1 Habitat Buffer Zone, or H1 Quiet Zone.
39. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1910.H. This County Code Section states that new development shall minimize impacts to H3 Habitat by clustering structures and limiting the BSA to the maximum allowed by County Code Section 22.44.1910.I. This County Code Section also states that the maximum number of structures for residential development shall be limited to one main residence, one second residential structure, and accessory structures. Lastly, this County Code Section states that all structures must be clustered within the approved BSA. The Project is designed to accommodate only one main residence without any detached accessory structures that would expand the development area beyond the minimum footprint necessary for the main residence. The residence is designed and situated to minimize impact to habitats.
40. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1910.I. This County Code Section states that when new residential development is permitted in H3 Habitat, the maximum allowable residential BSA shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. The Project has a total BSA of 9,909 square feet, which is less than the maximum 10,000 square feet.
41. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1910.G. This County Code Section states that new development shall be located as closely as possible to existing roadways, services, and other developments to minimize impacts to H2 Habitat areas. The residence is positioned within 20 feet of the northern property boundary that abuts Dark Creek Road, which is the nearest existing roadway. This location is the closest that the residence can be to the existing roadway without violating front yard setback requirements.

42. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1910.J. This County Code Section states that new development in Rural Villages shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming with all other policies of the LCP. The Project Site contains individual oak trees in addition to an oak woodland. The Project avoids any oak tree encroachments.
43. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920.A. The proposed grading is the minimum necessary to accommodate the BSA for the residence and driveway. The Project has a Fuel Modification Plan approved by the Fire Department that minimizes removal of native vegetation while also providing for fire safety, and the Fuel Modification Plan is consistent with County Code Section 22.44.1240. The biological assessment report indicates no special status plants were observed, and primarily non-native vegetation would be removed from the Project Site. The proposed BSA is already predominantly disturbed, and the only impact to existing native vegetation would be fuel modification thinning. The Project, as conditioned, will ensure that disturbance of wildlife and special-status species will be avoided when vegetation removal, thinning, and mowing is performed in conjunction with new development.
44. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920.B. The Project does not propose any fencing on the Project Site.
45. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920.C. The Project contains only one driveway with the minimum length necessary to serve the residence.
46. The Board finds the Project is consistent with the standards identified in County Code Sections 22.44.1920.E and 22.44.1270. The proposed lighting is the minimum necessary to illuminate walkways for entry and exit and for providing security. The Project is conditioned to ensure all lighting is of low intensity and shielded and concealed to the maximum feasible extent to avoid or minimize impacts to biological resources and public views of the natural sky and stars.
47. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920.I. The Project is conditioned to require any future improvements to the approved development will require an amendment to the Minor CDP or a new CDP.
48. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920.J. The Project is located adjacent to H1 Habitat and is, therefore, conditioned to require the preservation of the remaining H1 Habitat and H1 Habitat Buffer, in addition to all steep lands, in perpetuity.

49. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920.K. The Project does not result in the removal of any existing native trees on-site. Furthermore, a portion of the Project Site and the existing native trees are located within the 200-foot fuel modification zone of existing surrounding development. Fuel modification activities associated with the Project are limited to branch thinning and do not include vegetation removal.
50. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.1920. The Project Site is designated as H1 Habitat, H2 Habitat, and H3 Habitat by the LUP. While all development would occur within H3 Habitat, the entirety of the BSA would be located within the H1 Habitat Buffer Zone and the H1 Quiet Zone. The Project would result in no direct development or new fuel modification within the H1 Habitat, as the entire Project Site is within the existing fuel modification zones of adjacent residences. The Project would result in 9,909 square feet (0.21 acres) of direct development within the H1 Habitat Buffer Zone. These impacts cannot be mitigated through a habitat impact in-lieu fee (County Code § 22.44.1950) because the County does not have a current valid resource conservation program (RCP). Therefore, a condition of Project approval requires the impact to be mitigated through an in-lieu fee upon the adoption of a valid RCP or, alternatively, by proposing a mitigation plan to be approved by the Director of Regional Planning at a later date, but before grading and construction can occur.
51. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.2102. The Project Site is located within a Very High Fire Hazard Severity Zone, a Liquefaction Zone, and a Federal Emergency Management Agency Flood Zone (Flood Zone). The Project is sized, sited, and designed to minimize risks to life and property. The BSA is situated adjacent to the roadway and elevated away from the Flood Zone. The Project is conditioned to ensure stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the Project Site or the surrounding area.
52. The Board finds the Project is consistent with the standard identified in County Code Section 22.44.2140. The Project's GSA is 2,605 square feet, which is calculated as 3,005 square feet for the combined single-family residence and the garage minus 400 square feet of garage space, and the GSA does not exceed the maximum allowable GSA of 2,938.79 square feet.
53. The Board finds the Project is consistent with the applicable requirements for construction colors, materials, and design identified in County Code Section 22.44.1320. The Project has been designed so that it is clustered near existing development. The Project will not utilize reflective or glossy roofing or siding materials. The Project conditions require that the Project utilize acceptable exterior colors, including earth tones that blend with the surrounding environment.

54. The Board finds the Project is consistent with the applicable water resource requirements identified in County Code Section 22.44.1340. The Project has been designed to incorporate water resource protections to prevent potential adverse impacts to water quality and water resources. The Project will implement storm water retention devices, including culverts and bioswales, where required. Current National Pollutant Discharge Elimination Systems standards from the Regional and/or State Water Quality Board will also be applied to the Project. The new OWTS will be subject to review and approval by Public Health and will incorporate all applicable setbacks and buffers. The OWTS is located in H3 Habitat and the H1 Habitat Buffer, but it will not impact sensitive biological resources because its impact would be minimal. Any temporary above-ground disturbance would be fully mitigated with habitat restoration and/or revegetation. The Project implements low impact development techniques to minimize the development's impacts to runoff quality and quantity. The Applicants have also reduced the amount of grading and vegetation that will be disturbed by clustering the Project's required fuel modification zones with the fuel modification zones required by the existing neighboring developments.
55. The Board finds the proposed development is in conformity with the certified local coastal program. The Project conforms with the development standards prescribed within the LIP. The BSA is located within the most suitable location on the Project Site, which ensures minimal habitat disturbance.
56. The Board finds that any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code. The Project Site is not located within this defined area, and these policies are, therefore, not applicable to the Project.
57. The Board finds there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification. The Project Site presents physical constraints which do not allow for the leach fields to be located in a manner which conforms with the required development standards. A stream and a corresponding riparian habitat occupy the southern portion of the Project Site. Oak woodlands occupy the western portion of the Project Site. These habitat constraints create a condition that makes it impossible for the leach fields to not encroach into the required buffers.
58. The Board finds the Project is not consistent with the standard identified in County Code Section 22.44.1340, which prohibits OWTS leach fields within 150 feet of a stream or within 50 feet of the dripline of any oak or other native tree. The Project's proposed leach field would not meet these standards because OWTS leach fields are proposed less than 50 feet from six oak trees and the riparian canopy of other native trees. However, the Board finds a variance is necessary due to the physical constraints of the Project Site and for the

preservation of a substantial property right of the Applicants, such as that possessed by owners of other property in the same vicinity and zone. Granting the Variance allows for the placement of OWTS leach fields, which are necessary accessory infrastructure for the residential development. Without this infrastructure, the Applicants would not have reasonable economic use of the Project Site.

59. The Board finds the granting of the Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone. The granting of the Variance will not be detrimental to public welfare or cause injury to other property or improvements. The proposed leach field is located adjacent to a private road and a driveway, which affords close access for maintenance.
60. The Board finds the granting of the Variance will not be materially detrimental to coastal resources. The blue line creek and riparian habitat are located beyond the Project Site's property boundaries. While the OWTS leach fields remain within the buffer areas, the Project activities protect these resources.
61. The Board finds the Project conforms with County Code Section 22.44.2101. The Project, as conditioned, will be reviewed by County agencies for conformity with development standards related to hazard areas during the building permit process.
62. The Board finds a grant term limit on the Minor CDP and Variance is not necessary to ensure continued compatibility between the Project and the surrounding land uses.
63. The Board finds the Project is exempt from CEQA, pursuant to State CEQA Guidelines sections 15303 (Class 3, New Construction or Conversion of Small Structures Categorical Exemption) and 15304 (Class 4, Minor Alterations to Land Categorical Exemption). The Class 3 Categorical Exemption specifically pertains to the construction of a single-family residence and its appurtenant structures. The Class 4 Categorical Exemption specifically refers to the grading, vegetation removal, and tree encroachments proposed as part of the Project.
64. The Board finds that, pursuant to Section 22.44.990 of the County Code, the community was properly notified of the public hearing by mail, newspaper (Los Angeles Daily News), and property posting. Additionally, the Project was noticed, and case materials were available on Regional Planning's website. On August 21, 2025, a total of 117 notices of public hearing were mailed to all property owners as identified on the County Assessor's record within a 700-foot radius from the Project Site.
65. 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 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:**

- A. The proposed development is in conformity with the LCP.
- B. Any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.
- C. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.
- D. The Variance is necessary for the preservation of a substantial property right of the Applicants, such as that possessed by owners of other property in the same vicinity and zone.
- E. Granting the Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.
- F. The proposed development is in conformity with the Hazards Area provisions of County Code Section 22.44.2101.

**THEREFORE, THE BOARD OF SUPERVISORS:**

- 1. Finds the Project is exempt from CEQA, pursuant to State CEQA Guidelines sections 15303 and 15304 (Class 3, Existing Facilities Categorical Exemption, and Class 4, Minor Alterations to Land Categorical Exemption);
- 2. Denies the appeal of Appellant; and
- 3. Approves Minor Coastal Development Permit No. 201500036-(3), and Variance No. RPPL2019006788-(3), subject to the attached conditions.

**CONDITIONS OF APPROVAL  
PROJECT NO. R2011-01126-(3)  
MINOR COASTAL DEVELOPMENT PERMIT NO. 201500036-(3)  
VARIANCE NO. RPPL2019006788-(3)**

1. This grant is for Project No. R2011-01126-(3) (Project), consisting of a Minor Coastal Development Permit No. 201500036-(3) (Minor CDP) to authorize construction of a 2,479-square-foot single-family residence with attached garage and Variance No. RPPL2019006788-(3) to construct an on-site wastewater treatment system (OWTS) with leach fields within the buffer zone of a stream and from oak and other native trees, located within the Santa Monica Mountains Coastal Zone (Project Site), subject to the following conditions of approval (hereinafter referred to as Conditions or individually as a Condition).
2. Unless otherwise apparent from the context, the term "Applicants" shall include the Applicants, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the Applicants, and the owner of the subject property if other than the Applicants, have filed at the office of the Los Angeles County (County) Department of Regional Planning (Regional Planning) their affidavit stating they are aware of and agree to accept all of the Conditions of this grant, and that the Conditions of this grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective, pursuant to Section 22.56.2490 of the Los Angeles County Code (County Code).
5. The Applicants shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this grant, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Applicants of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the Applicants of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the Applicants shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
6. In the event that any claim, action, or proceeding, as described above, is filed against the County, the Applicants shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance provided to Applicants or Applicants' counsel.

- A. If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Applicants shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - B. At the sole discretion of the Applicants, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Applicants, according to County Code Section 22.170.010.
- 7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void, and the privileges granted hereunder shall lapse.
  - 8. Prior to the use of this grant, the Applicants, or the owner of the subject property if other than the Applicants, shall record the Conditions of this grant in the office of the County Registrar-Recorder/County Clerk (Recorder). In addition, upon any transfer or lease of the subject property during the term of this grant, the Applicants, or the owner of the subject property if other than the Applicants, shall promptly provide a copy of this grant and its Conditions to the transferee or lessee of the subject property.
  - 9. This grant shall expire unless used within two years from the date of final approval of this grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee to Regional Planning prior to such expiration date.
  - 10. The subject property shall be maintained and operated in full compliance with the Conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Applicants to cease any development or activity not in full compliance shall be a violation of these Conditions. No provision of any easement of any other encumbrance on the property shall exempt the Applicants and/or property owner from compliance with these Conditions and applicable regulations. Inspections shall be made to ensure compliance with the Conditions of this grant, as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The Applicants shall deposit with the County the sum of \$456, which shall be placed in a performance fund and be used exclusively to reimburse Regional Planning for all expenses incurred while inspecting the premises to determine the Applicants' compliance with the

Conditions of this grant. The fund provides for one inspection. The inspection may be unannounced.

11. If additional inspections are required to ensure compliance with the Conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the Conditions of this grant, the Applicants shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$456 per inspection, or the current recovery cost established by Regional Planning at the time any additional inspections are required, whichever is greater.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission (Commission) or a Hearing Officer may, after conducting a public hearing, revoke or modify the Conditions, if the Commission or Hearing Officer finds that these Conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized, pursuant to Chapter 22.238 of the County Code.
13. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department (Fire Department).
14. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
15. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these Conditions, including the approved Exhibit "A" or a revised Exhibit "A" approved by the Director of Regional Planning (Director).
16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the Project's public hearing, one digital copy of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of this grant by the County.
17. In the event subsequent revisions to the approved Exhibit "A" are submitted, the Applicants shall submit one digital copy of the proposed plans to the Director for review and approval. All revised plans must substantially conform with the originally approved Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

18. Prior to issuance of the grading or building permit for the Project, the Applicants shall dedicate all areas of the Project Site mapped as H1 Habitat, H2 Habitat, H1 Habitat Buffer Zone, parkland buffer, and/or areas with grades of more than 50 percent as a permanent Irrevocable Open Space Conservation Easement, held by the County on behalf of the People of the State of California, pursuant to the requirements of County Code Section 22.44.1920.J. No development, as defined in County Code Section 22.44.630, grazing, or agricultural activities shall be allowed in the Irrevocable Open Space Easement, with the exception of the following:

- A. Fuel modification required by the Fire Department undertaken in accordance with the final approved fuel modification plan for the permitted development and/or required brush clearance required by the Fire Department for existing development on adjoining properties;
- B. Drainage and polluted runoff control activities required and approved by the County for permitted development; and
- C. If approved by the County as an amendment to this grant or a new CDP:
  - i. Planting of native vegetation and other restoration activities;
  - ii. Construction and maintenance of public hiking trails;
  - iii. Construction and maintenance of roads, trails, and utilities consistent with easements in existence prior to approval of this grant; and
  - iv. Confined animal facilities only where consistent with County Code Section 22.44.1940.

19. The Applicants shall provide evidence of the recordation of a valid dedication to the County (and acceptance by the County) or to another public entity acceptable to the Director, and acceptance by said public entity, of a permanent, Irrevocable Open Space Conservation Easement in favor of the People of the State of California over the Irrevocable Open Space Conservation Easement area for the purpose of habitat protection, the text of which has been approved by the Director. The recorded easement document shall include a formal legal description of the entire property and a metes-and-bounds legal description and graphic depiction, prepared by a licensed surveyor, of the Irrevocable Open Space Conservation Easement area. The easement document shall be recorded free of prior liens, including tax liens, and encumbrances. The recorded document shall reflect that no development shall occur within the Irrevocable Open Space Conservation Easement, except as otherwise set forth in these Conditions, consistent with the exceptions detailed in this Condition. Recordation of said easement on the Project Site shall be permanent.

20. The building site area, as defined by County Code Sections 22.44.630 and 22.44.1910.I, shall be limited to 9,909 square feet.
21. The Applicants shall comply with all conditions set forth in the attached California Department of Fish and Wildlife (CDFW) letter dated September 14, 2021, to the satisfaction of said department.
22. The Applicants shall comply with all conditions set forth in the attached Department of Public Health letter dated June 16, 2021, to the satisfaction of said department.
23. The Applicants shall comply with all conditions set forth in the attached Fire Department letter dated February 4, 2019, to the satisfaction of said department.
24. The Applicants' contractor shall comply with all litter and pollution laws and shall provide covered trash receptacles so that all food scraps, food wrappers, beverage containers, etc., can be disposed of. The contractor shall empty the trash receptacles at the end of each day, or as needed, and shall dispose of the trash at an off-site landfill.
25. The Applicants' contractor shall ensure that no debris, bark, slash, sawdust, rubbish, cement or concrete or washing thereof, oil petroleum products, or other organic material from any construction, or associated activity of whatever nature, shall be allowed to enter, or be placed where it may be washed by rainfall or runoff, into the nearby stream (Cold Creek Drainage).
26. The Applicants' contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.
27. The Applicants' contractor shall position all stationary equipment and any equipment that is to be repaired over the drip pans or other appropriate containment devices.
28. The Applicants' contractor shall check and maintain all equipment on a daily basis in order to prevent leaks. If a leak occurs, the Applicants' contractor shall immediately clean up any spills and repair the leak.
29. The Applicants' contractor shall make available at the Project Site all supplies necessary for cleanup of spills (absorbent and barrier materials in quantities determined by the Applicants' contractor to be sufficient to capture the largest spill reasonably foreseeable).
30. Disking and clearing for fuel modification are prohibited in the Local Implementation Program (LIP), pursuant to County Code Section 22.44.1240 A.2. Instead, fuel modification shall be performed using hand tools, including weed whips, grazing, or mowing leaving plant stubble cover.

31. Any large equipment used for fuel modification, construction, or grading shall be pressure washed to remove invasive plant propagules before transport to the Project Site.
32. During fuel modification, the Applicants shall retain as many non-sprouting species as possible. Such species usually have a single trunk, which shall not be cut off in pruning, as this results in the death of the plant. The Applicants shall utilize multiple trunked, resprouting species for removal over non-sprouters. The remaining multitrunked shrubs shall be pruned in a staggered, clumped pattern on an alternating schedule, allowing two to three years between pruning for any one clump. Re-sprouting species can be pruned to near ground level. Locally indigenous plants thinned for fuel modification shall be chipped up and used as native plant mulch. Disking and indiscriminate clearing is prohibited in any fuel modification zone. During the removal of fuel ladders from trees, lower branches shall be pruned up to one-third of tree height, or up to six feet maximum, for trees 18 feet and taller.
33. Glass used in the Project shall be least reflective and/or incorporate frit patterns to promote energy conservation and prevent bird strikes, pursuant to the requirements of County Code Section 22.44.1320.
34. Exterior lighting shall follow the provisions of County Code Section 22.44.1920.E and Section 22.44.1270 in order to avoid light trespass.
35. The Applicants shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. Applicants' contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the Applicants' biologist (Qualified Biologist) who shall have experience in conducting breeding bird surveys in the Santa Monica Mountains
36. Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds, as defined by the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:
  - A. If initial grubbing, grading, and construction activities are scheduled to occur outside the CDFW-defined nesting season (generally February 1 to August 31), the Qualified Biologist experienced in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within seven days prior to, and again within three days prior to, the date that activities are scheduled to begin. The Qualified Biologist shall focus efforts within the grading area, the development area, the fuel modification

zones, the driveway area, and areas within 50 feet thereof, and shall also survey 300 feet beyond these areas, as access allows.

- B. If avoidance of the avian breeding season is not feasible, the Qualified Biologist shall conduct weekly bird surveys, beginning 30 days prior to the initiation of Project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and, as access to adjacent areas allows, any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of Project activities. If a protected native bird is found in suitable nesting habitat, all Project activities within 300 feet of on-site and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31. Alternatively, the Qualified Biologist may continue the surveys in order to locate any active nests. If the Qualified Biologist determines there are active nests within or adjacent to these areas, they shall establish appropriate buffer zones, as defined in "C" below.
- C. If an active nest is found, regardless of time of year, Project activities within 300 feet of the nest, or within 500 feet of a raptor nest, or as determined by the Qualified Biologist, shall be postponed until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working on-site, shall be instructed on the sensitivity of the area.
- D. The Qualified Biologist shall provide the Director with a brief report summarizing the results of the surveys, as well as a description and assessment of the implemented protective measures described above, to document compliance with applicable State and federal laws pertaining to the protection of native birds.
- E. If the Qualified Biologist determines that a narrower buffer between the Project activities and observed active nests is warranted, they shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the Project activities and the nest and foraging areas) to Regional Planning and the CDFW. Based on the submitted information, the Director, in consultation with the CDFW, will determine whether to allow a narrower buffer. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, the Qualified Biologist shall monitor the nest before, during, and after the activities, to determine if it is being affected.

- i. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The Qualified Biologist shall record noise levels every hour and shall have the authority to stop any activities that exceed 60 dBA if they determine that it is affecting or has the potential to affect the outcome of a nest.
  - ii. The Qualified Biologist shall send weekly monitoring reports to the Director and, upon request, to CDFW, documenting the status of monitored nests, and shall notify Regional Planning immediately if Project activities damage active avian nests.
- 37. Temporary wildlife fencing shall be utilized to reduce the potential for wildlife being harmed by, or moving into, the Project Site. The Applicants' contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
  - A. To install the screen, laborers shall remove a five-foot-wide strip of vegetation at the limits of the grading limits/development area using hand held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery;
  - B. The green screen shall be partially buried, or fitted with a silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in;
  - C. Laborers installing the fence shall remain within the cut areas and any paths leading to it;
  - D. The Qualified Biologist shall monitor fence installation so that they can capture and relocate wildlife, as necessary, and to ensure that no protected trees or special status plants are impacted during installation; and
  - F. A gated entrance shall allow ingress and egress. The gates shall remain open until after the Qualified Biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
- 38. A pre-construction biological resources survey (Survey) shall be conducted within the area that is screened and within areas adjacent to the driveway the day after screening.
  - A. The Applicants shall plan to remove vegetation from within the screened area no more than one day after completion of the Survey.

- B. Laborers shall use handheld tools to remove the vegetation. Using hand-held tools will allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
  - C. The Qualified Biologist shall monitor vegetation removal to capture and relocate wildlife, as necessary. The Qualified Biologist shall hold a CDFW Scientific Collectors Permit (CDFW Permit) authorizing the handling of invertebrates, reptiles, amphibians, and mammals.
39. Initial grubbing and grading shall occur three to seven days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities allows wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery. The Qualified Biologist shall monitor grubbing and grading to capture and relocate wildlife, as necessary, and shall hold a CDFW Permit authorizing the handling of invertebrates, reptiles, amphibians, and mammals.
40. The Project Site shall be fuel modified after or concurrently with the construction phase of the proposed Project, as directed by the Fire Department.
- A. The Qualified Biologist shall implement a nesting bird survey and protection plan before fuel modification occurs.
  - B. The Qualified Biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.
  - C. The Qualified Biologist shall be present during initial fuel modification activities to ensure that no protected trees or special status species are damaged by the fuel modification activities.
41. Prior to issuance of building or grading permits, the Applicants shall ensure that the Project design conforms with hazards development standards associated with a Very High Fire Hazard Severity Zone, a Liquefaction Zone, and a Federal Emergency Management Area Flood Zone.
42. Prior to the issuance of a grading permit, the Applicants shall designate a lead biological monitor (Monitor), which may be the Qualified Biologist, subject to the approval of the Director. The Monitor shall ensure that impacts to all biological resources are minimized or avoided and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The Monitor shall ensure all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate

agencies for the handling of potentially-occurring special status species. The Monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to Regional Planning and the CDFW at their request.

43. Prior to issuance of building or grading permits, seasonally timed special status and sensitive plant survey(s) shall be conducted by a qualified botanist to document the locations(s) and number(s) of any special status plants that may exist within the Project Site. The survey(s) shall be conducted not more than one year prior to the initiation of construction and shall coincide with the appropriate blooming periods for each special status plant species with potential to exist. A summary of findings shall be submitted to the Director (and to other pertinent resource agencies, if necessary) prior to the onset of construction activities.
44. If any special status plants are identified on the Project Site, including native sycamore trees, the following avoidance and restoration measures shall be followed:
  - A. All special status plants that can be feasibly avoided shall be protected from harm during the construction phase and initial fuel modification; and
  - B. If any special status plants cannot be feasibly avoided, a mitigation plan shall be developed that contains the following information: the number of specimens affected; identification of on-site preservation location(s); the method for restoration, enhancement, and/or transplanting; a performance standard replacement ratio of 1:1 per impacted rare plant rank (RPR) 4 specimen and a replacement ratio of 2:1 per impacted RPR 1, 2, or 3 specimen, to be achieved within three years; and adaptive management and remedial measures in the event that the performance standard is not achieved. If on-site mitigation is not feasible, off-site mitigation may be allowed at a replacement ratio of 2:1 per impacted RPR 4 specimen and a replacement ratio of 4:1 per impacted RPR 1, 2, or 3 specimens.
45. Prior to final approval, the Director shall approve a habitat restoration plan for all H1 Buffer Habitat Zone to be disturbed during installation of the OWTS.
46. Any future development on the Project Site or improvements to the approved development shall require an amendment to this grant or a new CDP. Prior to final approval, the Applicants shall provide evidence of the recordation of a deed restriction against the property, free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed, the text of which has been approved by the Director, reflecting this future improvement restriction. The deed restriction shall apply to the entirety of the Project Site and shall ensure that any future structures, future improvements,

or change of use to the permitted structures authorized by this grant, including, but not limited to, any grading, clearing, or other disturbance of vegetation, shall require the approval of an amendment to this grant or the approval of an additional CDP, and that the exemptions otherwise provided in Subsections A.1 or A.2 of County Code Section 22.44.820 shall not apply. The Applicants shall provide evidence the deed restriction appears on a preliminary report issued by a licensed title insurance company for the Project Site.

47. The use of campfires, fire pits, wood stoves, or wood-burning fireplaces is prohibited.
48. The Project shall utilize acceptable exterior colors, including earth tones, that blend with the surrounding environment.
49. The Project shall provide 0.21 acres (9,909 square feet) of mitigation through the County's Resource Conservation Program (RCP), if such program is valid and in effect, or shall otherwise provide mitigation through restoration as mitigation, pursuant to County Code Section 22.44.1950. If the RCP is valid and in effect at the time of implementation of this Condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950.A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to, issuance of the Project's grading or building permits. Should the RCP not be valid and in effect at the time of implementation of this Condition, the Director shall require restoration as mitigation instead of reliance on the RCP, pursuant to County Code Section 22.44.1950.A. The Project shall provide mitigation, pursuant to County Code Section 22.44.1950.C. If mitigation as restoration is required, the Applicants shall submit a restoration and/or enhancement plan consistent with the LIP for review and acceptance by the Director prior to issuance of grading or building permits. The habitat restoration or enhancement shall be completed prior to construction of the Project. The vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of grading or building permits for any portion of the Project.
50. Pursuant to County Code Section 22.44.1260.F, grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.

Attachments:

- Exhibit A – Fire Department letter dated February 4, 2019
- Exhibit B – Department of Public Health letter dated June 16, 2021
- Exhibit C – California Department of Fish and Wildlife letter dated September 14, 2021
- Exhibit D – Department of Parks and Recreation letter dated October 5, 2017
- Exhibit E – Department of Public Works letter dated November 12, 2019

# Exhibit A



**COUNTY OF LOS ANGELES FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

Land Development Unit  
5823 Rickenbacker Road  
Commerce, CA 90040  
Telephone (323) 890-4243, Fax (323) 890-9783

CASE NUMBER: RCDP-201500036

MAP DATE: February 4, 2019

PROJECT NUMBER: R2011-01126

PLANNER: Shanna Farley-Judkins

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**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO  
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE  
FOLLOWING CONDITIONS OF APPROVAL.**

1. Submit plans to the Fire Department Engineering Section for review and approval.

**For any questions regarding the report, please contact Joseph Youman at (323) 890-4243 or [Joseph.Youman@fire.lacounty.gov](mailto:Joseph.Youman@fire.lacounty.gov).**

# Exhibit B



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

**June 16, 2021**

**CASE: RCDP-201500036  
PROJECT: R2011-01126  
PLANNER: Chen, William  
LOCATION: 25860 Dark Creek Road Malibu 91302**

The Department of Public Health-Environmental Health Division has reviewed this project for a Minor Coastal Development Permit (MCDP) to authorize the construction of a new single story, 2,948 square foot, 30-foot tall 4bedroom single family residence at the above location. The applicant provided a May 19, 2021 Conditional Statement of Water Service from the Las Virgenes Municipal Water District. A Pre-Coastal Onsite Wastewater Treatment System approval was obtained on June 25, 2019 and a one-year extension was granted on June 10, 2020; however, the one-year extension should have been granted up until the end of June 24, 2021.

***Public Health recommends approval of the above project with the condition below that will be required prior to the issuance of building permits.***

- 
1. Once a Coastal Commission approval is granted and the project moves toward the building permit phase, the project will then submit onsite waste treatment system "POST COASTAL COMMISSION... application for Departmental review prior to building permit issuance.

Please contact Shayne LaMont, Land Use Program, for questions regarding this report at (626) 430-5380 or [slamont@ph.lacounty.gov](mailto:slamont@ph.lacounty.gov).

# Exhibit C



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 14, 2021

Jeannine and Gary Isbell  
26046 Mulholland Highway  
Calabasas, CA 91302  
[redhorseji@gmail.com](mailto:redhorseji@gmail.com)

**Notification of Lake or Streambed Alteration, EPIMS Notification No. LAN-15135-R5, 25830 Dark Creek Road**

Dear Mr. and Mrs. Isbell:

The California Department of Fish and Wildlife (CDFW) had until September 13, 2021 to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. CDFW did not meet that date. As a result, by law, you may now proceed with the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602, subdivision (a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received by CDFW prior to September 13, 2021. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, Fish and Game Code sections 2080 *et seq.* (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); section 1908 (rare native plants); sections 3511, 4700, 5050, and 5515 (fully protected species); section 3503 (bird nests and eggs); section 3503.5 (birds of prey); section 5650 (water pollution); section 5652 (refuse disposal into water); section 5901 (fish passage); section 5937 (sufficient water for fish); and section 5948 (obstruction of stream).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site.

*Conserving California's Wildlife Since 1870*

Jeannine and Gary Isbell  
September 14, 2021  
Page 2 of 2

If you have any questions regarding this matter, please contact Frederic (Fritz) Rieman, Environmental Scientist, at (562) 619-0605 or by e-mail at [Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov).

Sincerely,

DocuSigned by:



5991E19EF8094C3...

Victoria Tang

Senior Environmental Scientist (Supervisory)

cc: California Department of Fish and Wildlife

Frederic (Fritz) Rieman, Environmental Scientist  
[Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov)

Victoria Tang, Senior Environmental Scientist (Supervisory)  
[Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)

Susan (Sue) Howell, Staff Services Analyst  
[Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)

# Exhibit D



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION

*"Parks Make Life Better!"*

John Wicker, Director

Norma E. Garcia, Chief Deputy Director

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October 5, 2017

TO: Martin Gies  
Department of Regional Planning

FROM: Julie Yom, AICP *JY*  
Planning and CEQA Section

SUBJECT: **CASE NO. RCDP201500036**  
**PROJECT NO. R2011-01126**  
**APN: 4456-011-095**

The above-mentioned project has been reviewed for potential impacts on the facilities of the Department of Parks and Recreation. The project will not impact any parks and recreation facilities and we have no comments.

Thank you for including this Department in the review of this document. If you have any questions, please contact me at [jyom@parks.lacounty.gov](mailto: jyom@parks.lacounty.gov) or (213) 351-5127.

# Exhibit E



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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

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

November 12, 2019

TO: Rob Glaser  
Coastal Permits Section  
Department of Regional Planning

Attention Shanna Farley-Judkins

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

**RCDP-201500036**  
**25860 DARK CREEK ROAD**  
**ASSESSOR'S MAP BOOK 4456, PAGE 11, PARCEL 95**  
**UNINCORPORATED COUNTY COMMUNITY OF AGOURA**

Thank you for the opportunity to review the Minor Coastal Development Permit (MCDP) for the subject project. The project proposes to build a new 2,948 square-foot single family residence. The grading includes 354 cubic yards of fill, and 400 cubic yards of import soils.

- Public Works has no conditions that need to be applied to the project if ultimately approved by the advisory agency.
- Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the comments have been addressed.

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

JDC:

P:\dpub\SUBPCHECK\Plan Checking Files\Single Lots\APN 4456-011-095\RCDP-201500036\2019-10-28 RCDP-201500036  
Review\DPW\_Cleared\_2019-11-12\_RCDP-201500036.docx

18. Prior to issuance of the grading or building permit for the Project, the Applicants shall dedicate all areas of the Project Site mapped as H1 Habitat, H2 Habitat, H1 Habitat Buffer Zone, parkland buffer, and/or areas with grades of more than 50 percent as a permanent Irrevocable Open Space Conservation Easement, held by the County on behalf of the People of the State of California, pursuant to the requirements of County Code Section 22.44.1920.J. No development, as defined in County Code Section 22.44.630, grazing, or agricultural activities shall be allowed in the Irrevocable Open Space Easement, with the exception of the following:
  - A. Fuel modification required by the Fire Department undertaken in accordance with the final approved fuel modification plan for the permitted development and/or required brush clearance required by the Fire Department for existing development on adjoining properties;
  - B. Drainage and polluted runoff control activities required and approved by the County for permitted development; and
  - C. If approved by the County as an amendment to this grant or a new CDP:
    - i. Planting of native vegetation and other restoration activities;
    - ii. Construction and maintenance of public hiking trails;
    - iii. Construction and maintenance of roads, trails, and utilities consistent with easements in existence prior to approval of this grant; and
    - iv. Confined animal facilities only where consistent with County Code Section 22.44.1940.
19. The Applicants shall provide evidence of the recordation of a valid dedication to the County (and acceptance by the County) or to another public entity acceptable to the Director, and acceptance by said public entity, of a permanent, Irrevocable Open Space Conservation Easement in favor of the People of the State of California over the Irrevocable Open Space Conservation Easement area for the purpose of habitat protection, the text of which has been approved by the Director. The recorded easement document shall include a formal legal description of the entire property and a metes-and-bounds legal description and graphic depiction, prepared by a licensed surveyor, of the Irrevocable Open Space Conservation Easement area. The easement document shall be recorded free of prior liens, including tax liens, and encumbrances. The recorded document shall reflect that no development shall occur within the Irrevocable Open Space Conservation Easement, except as otherwise set forth in these Conditions, consistent with the exceptions detailed in this Condition. Recordation of said easement on the Project Site shall be permanent.

20. The building site area, as defined by County Code Sections 22.44.630 and 22.44.1910.I, shall be limited to 9,909 square feet.
21. The Applicants shall comply with all conditions set forth in the attached California Department of Fish and Wildlife (CDFW) letter dated September 14, 2021, to the satisfaction of said department.
22. The Applicants shall comply with all conditions set forth in the attached Department of Public Health letter dated June 16, 2021, to the satisfaction of said department.
23. The Applicants shall comply with all conditions set forth in the attached Fire Department letter dated February 4, 2019, to the satisfaction of said department.
24. The Applicants' contractor shall comply with all litter and pollution laws and shall provide covered trash receptacles so that all food scraps, food wrappers, beverage containers, etc., can be disposed of. The contractor shall empty the trash receptacles at the end of each day, or as needed, and shall dispose of the trash at an off-site landfill.
25. The Applicants' contractor shall ensure that no debris, bark, slash, sawdust, rubbish, cement or concrete or washing thereof, oil petroleum products, or other organic material from any construction, or associated activity of whatever nature, shall be allowed to enter, or be placed where it may be washed by rainfall or runoff, into the nearby stream (Cold Creek Drainage).
26. The Applicants' contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.
27. The Applicants' contractor shall position all stationary equipment and any equipment that is to be repaired over the drip pans or other appropriate containment devices.
28. The Applicants' contractor shall check and maintain all equipment on a daily basis in order to prevent leaks. If a leak occurs, the Applicants' contractor shall immediately clean up any spills and repair the leak.
29. The Applicants' contractor shall make available at the Project Site all supplies necessary for cleanup of spills (absorbent and barrier materials in quantities determined by the Applicants' contractor to be sufficient to capture the largest spill reasonably foreseeable).
30. Disking and clearing for fuel modification are prohibited in the Local Implementation Program (LIP), pursuant to County Code Section 22.44.1240 A.2. Instead, fuel modification shall be performed using hand tools, including weed whips, grazing, or mowing leaving plant stubble cover.

31. Any large equipment used for fuel modification, construction, or grading shall be pressure washed to remove invasive plant propagules before transport to the Project Site.
32. During fuel modification, the Applicants shall retain as many non-sprouting species as possible. Such species usually have a single trunk, which shall not be cut off in pruning, as this results in the death of the plant. The Applicants shall utilize multiple trunked, resprouting species for removal over non-sprouters. The remaining multitrunked shrubs shall be pruned in a staggered, clumped pattern on an alternating schedule, allowing two to three years between pruning for any one clump. Re-sprouting species can be pruned to near ground level. Locally indigenous plants thinned for fuel modification shall be chipped up and used as native plant mulch. Disking and indiscriminate clearing is prohibited in any fuel modification zone. During the removal of fuel ladders from trees, lower branches shall be pruned up to one-third of tree height, or up to six feet maximum, for trees 18 feet and taller.
33. Glass used in the Project shall be least reflective and/or incorporate frit patterns to promote energy conservation and prevent bird strikes, pursuant to the requirements of County Code Section 22.44.1320.
34. Exterior lighting shall follow the provisions of County Code Section 22.44.1920.E and Section 22.44.1270 in order to avoid light trespass.
35. The Applicants shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. Applicants' contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the Applicants' biologist (Qualified Biologist) who shall have experience in conducting breeding bird surveys in the Santa Monica Mountains
36. Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds, as defined by the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:
  - A. If initial grubbing, grading, and construction activities are scheduled to occur outside the CDFW-defined nesting season (generally February 1 to August 31), the Qualified Biologist experienced in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within seven days prior to, and again within three days prior to, the date that activities are scheduled to begin. The Qualified Biologist shall focus efforts within the grading area, the development area, the fuel modification

zones, the driveway area, and areas within 50 feet thereof, and shall also survey 300 feet beyond these areas, as access allows.

- B. If avoidance of the avian breeding season is not feasible, the Qualified Biologist shall conduct weekly bird surveys, beginning 30 days prior to the initiation of Project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and, as access to adjacent areas allows, any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of Project activities. If a protected native bird is found in suitable nesting habitat, all Project activities within 300 feet of on-site and off-site suitable nesting habitat, or within 500 feet of suitable raptor nesting habitat, may be delayed until August 31. Alternatively, the Qualified Biologist may continue the surveys in order to locate any active nests. If the Qualified Biologist determines there are active nests within or adjacent to these areas, they shall establish appropriate buffer zones, as defined in "C" below.
- C. If an active nest is found, regardless of time of year, Project activities within 300 feet of the nest, or within 500 feet of a raptor nest, or as determined by the Qualified Biologist, shall be postponed until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working on-site, shall be instructed on the sensitivity of the area.
- D. The Qualified Biologist shall provide the Director with a brief report summarizing the results of the surveys, as well as a description and assessment of the implemented protective measures described above, to document compliance with applicable State and federal laws pertaining to the protection of native birds.
- E. If the Qualified Biologist determines that a narrower buffer between the Project activities and observed active nests is warranted, they shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the Project activities and the nest and foraging areas) to Regional Planning and the CDFW. Based on the submitted information, the Director, in consultation with the CDFW, will determine whether to allow a narrower buffer. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, the Qualified Biologist shall monitor the nest before, during, and after the activities, to determine if it is being affected.

- i. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The Qualified Biologist shall record noise levels every hour and shall have the authority to stop any activities that exceed 60 dBA if they determine that it is affecting or has the potential to affect the outcome of a nest.
    - ii. The Qualified Biologist shall send weekly monitoring reports to the Director and, upon request, to CDFW, documenting the status of monitored nests, and shall notify Regional Planning immediately if Project activities damage active avian nests.
37. Temporary wildlife fencing shall be utilized to reduce the potential for wildlife being harmed by, or moving into, the Project Site. The Applicants' contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
- A. To install the screen, laborers shall remove a five-foot-wide strip of vegetation at the limits of the grading limits/development area using hand held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery;
  - B. The green screen shall be partially buried, or fitted with a silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in;
  - C. Laborers installing the fence shall remain within the cut areas and any paths leading to it;
  - D. The Qualified Biologist shall monitor fence installation so that they can capture and relocate wildlife, as necessary, and to ensure that no protected trees or special status plants are impacted during installation; and
  - F. A gated entrance shall allow ingress and egress. The gates shall remain open until after the Qualified Biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
38. A pre-construction biological resources survey (Survey) shall be conducted within the area that is screened and within areas adjacent to the driveway the day after screening.
- A. The Applicants shall plan to remove vegetation from within the screened area no more than one day after completion of the Survey.

- B. Laborers shall use handheld tools to remove the vegetation. Using hand-held tools will allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
  - C. The Qualified Biologist shall monitor vegetation removal to capture and relocate wildlife, as necessary. The Qualified Biologist shall hold a CDFW Scientific Collectors Permit (CDFW Permit) authorizing the handling of invertebrates, reptiles, amphibians, and mammals.
39. Initial grubbing and grading shall occur three to seven days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities allows wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery. The Qualified Biologist shall monitor grubbing and grading to capture and relocate wildlife, as necessary, and shall hold a CDFW Permit authorizing the handling of invertebrates, reptiles, amphibians, and mammals.
40. The Project Site shall be fuel modified after or concurrently with the construction phase of the proposed Project, as directed by the Fire Department.
- A. The Qualified Biologist shall implement a nesting bird survey and protection plan before fuel modification occurs.
  - B. The Qualified Biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modification. The stakes shall remain in place until after fuel modification activities have been completed.
  - C. The Qualified Biologist shall be present during initial fuel modification activities to ensure that no protected trees or special status species are damaged by the fuel modification activities.
41. Prior to issuance of building or grading permits, the Applicants shall ensure that the Project design conforms with hazards development standards associated with a Very High Fire Hazard Severity Zone, a Liquefaction Zone, and a Federal Emergency Management Area Flood Zone.
42. Prior to the issuance of a grading permit, the Applicants shall designate a lead biological monitor (Monitor), which may be the Qualified Biologist, subject to the approval of the Director. The Monitor shall ensure that impacts to all biological resources are minimized or avoided and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The Monitor shall ensure all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate

agencies for the handling of potentially-occurring special status species. The Monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to Regional Planning and the CDFW at their request.

43. Prior to issuance of building or grading permits, seasonally timed special status and sensitive plant survey(s) shall be conducted by a qualified botanist to document the locations(s) and number(s) of any special status plants that may exist within the Project Site. The survey(s) shall be conducted not more than one year prior to the initiation of construction and shall coincide with the appropriate blooming periods for each special status plant species with potential to exist. A summary of findings shall be submitted to the Director (and to other pertinent resource agencies, if necessary) prior to the onset of construction activities.
44. If any special status plants are identified on the Project Site, including native sycamore trees, the following avoidance and restoration measures shall be followed:
  - A. All special status plants that can be feasibly avoided shall be protected from harm during the construction phase and initial fuel modification; and
  - B. If any special status plants cannot be feasibly avoided, a mitigation plan shall be developed that contains the following information: the number of specimens affected; identification of on-site preservation location(s); the method for restoration, enhancement, and/or transplanting; a performance standard replacement ratio of 1:1 per impacted rare plant rank (RPR) 4 specimen and a replacement ratio of 2:1 per impacted RPR 1, 2, or 3 specimen, to be achieved within three years; and adaptive management and remedial measures in the event that the performance standard is not achieved. If on-site mitigation is not feasible, off-site mitigation may be allowed at a replacement ratio of 2:1 per impacted RPR 4 specimen and a replacement ratio of 4:1 per impacted RPR 1, 2, or 3 specimens.
45. Prior to final approval, the Director shall approve a habitat restoration plan for all H1 Buffer Habitat Zone to be disturbed during installation of the OWTS.
46. Any future development on the Project Site or improvements to the approved development shall require an amendment to this grant or a new CDP. Prior to final approval, the Applicants shall provide evidence of the recordation of a deed restriction against the property, free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed, the text of which has been approved by the Director, reflecting this future improvement restriction. The deed restriction shall apply to the entirety of the Project Site and shall ensure that any future structures, future improvements,

or change of use to the permitted structures authorized by this grant, including, but not limited to, any grading, clearing, or other disturbance of vegetation, shall require the approval of an amendment to this grant or the approval of an additional CDP, and that the exemptions otherwise provided in Subsections A.1 or A.2 of County Code Section 22.44.820 shall not apply. The Applicants shall provide evidence the deed restriction appears on a preliminary report issued by a licensed title insurance company for the Project Site.

47. The use of campfires, fire pits, wood stoves, or wood-burning fireplaces is prohibited.
48. The Project shall utilize acceptable exterior colors, including earth tones, that blend with the surrounding environment.
49. The Project shall provide 0.21 acres (9,909 square feet) of mitigation through the County's Resource Conservation Program (RCP), if such program is valid and in effect, or shall otherwise provide mitigation through restoration as mitigation, pursuant to County Code Section 22.44.1950. If the RCP is valid and in effect at the time of implementation of this Condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950.A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to, issuance of the Project's grading or building permits. Should the RCP not be valid and in effect at the time of implementation of this Condition, the Director shall require restoration as mitigation instead of reliance on the RCP, pursuant to County Code Section 22.44.1950.A. The Project shall provide mitigation, pursuant to County Code Section 22.44.1950.C. If mitigation as restoration is required, the Applicants shall submit a restoration and/or enhancement plan consistent with the LIP for review and acceptance by the Director prior to issuance of grading or building permits. The habitat restoration or enhancement shall be completed prior to construction of the Project. The vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of grading or building permits for any portion of the Project.
50. Pursuant to County Code Section 22.44.1260.F, grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.

Attachments:

- Exhibit A – Fire Department letter dated February 4, 2019
- Exhibit B – Department of Public Health letter dated June 16, 2021
- Exhibit C – California Department of Fish and Wildlife letter dated September 14, 2021
- Exhibit D – Department of Parks and Recreation letter dated October 5, 2017
- Exhibit E – Department of Public Works letter dated November 12, 2019