**FINDINGS AND ORDER OF THE DIRECTOR**
**COUNTY OF LOS ANGELES**
**PROJECT NUMBER R2013-03630-(3)**
**DIRECTOR'S REVIEW CASE NUMBER RPP 201301344**
**ENVIRONMENTAL ASSESSMENT NUMBER RENV 201200258**

1. **ENTITLEMENTS REQUESTED.**
Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.44.300, a Director's Review with an appearance before the Environmental Review Board (ERB) is required to authorize the development of a new single-family residence within a Sensitive Environmental Resource Area (SERA) designated as the Malibu/Cold Creek Resource Management Area and Environmentally Sensitive Habitat Area (ESHA). SERAs are defined under the Malibu Land Use Plan.

2. **PROJECT DESCRIPTION.**
The applicant is proposing to build a new two-story 3,732 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 22 of Tract No. 38931, is located along the southside of Piuma Road in Monte Nido, and is 54,594 gross square feet, or 1.25 gross acres, in size. Proposed grading includes 480 cubic yards of cut, 100 cubic yards fill and 380 cubic yards export. The maximum height of the proposed residence will be 25.5 feet above the finished floor elevation of 657.8 feet. Overall maximum height will be 29 feet above grade. An access driveway to the residence is proposed, connecting to a 20 foot wide common driveway to be improved over an access strip from Piuma Road to Lot 21 and shared by Lots 21 and 22. A small bridge that spans the natural drainage course that runs northwest to southeast across Lot 22 and below the access strip and common driveway will be replaced. Improvements to the common driveway over the access strip will also encroach into the protective zone of an existing oak tree which has required an oak tree permit for Lot 21. The proposed residence will have a 2-car garage with a finished floor elevation of 654.0 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

3. **LOCATION.** The subject property is located at 25752 Piuma Road in the unincorporated community of Monte Nido. The property's Assessor Parcel Number (APN) is 4456-038-022. The property is Lot 22 of Tract No. 38931 and is located within The Malibu Zone District.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the proposed residence, property boundaries, site contours, Piuma Road, access driveway, pool, retaining walls, drainage inlets, drainage swales, septic tank and seepage pits, oak trees with driplines, setbacks for residence. Floor plans depict use of spaces and stairwells. Elevation plan drawings depict building height and façade design, and façade materials to be used. Roof plans depict shape style and slope of roof.

5. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area.).

**Surrounding Properties:**
North: R-1-1
East: A-1-1
South: A-1-1
West: A-1-1

6. **EXISTING LAND USES.** The site is currently graded, but is vacant with only the graded pad, drainage courses and natural vegetation on site.

**Surrounding Properties:**
North: Single-family residence
East: Vacant
South: Vacant
West: Single-family residence

7. **PROCEEDINGS BEFORE THE ENVIRONMENTAL REVIEW BOARD:**
The project area, including plans for Lots 1, 3, 6, 14 and 15 as part of the Phase 1 set of plans, was reviewed by ERB on November 19, 2012. ERB had no outstanding comments on the residence but was concerned about impacts to the riparian canopy in the project area, and seepage pit and septic tank locations.

ERB recommended that all seepage pits and septic tanks be located as far as possible from all oak trees and open space areas. Use of plastic filters, which are inserted into a T-shaped fitting to help clear flow for seepage pits, was recommended due to the pristine nature of the site and project area. A temporary erosion control plan in accordance with Regional Water Quality Control Board (RWQCB) requirements was recommended to be implemented during construction.

ERB recommended springtime surveys for sensitive plants and invertebrates, and if detected, to provide mitigation for avoidance and preservation. Riparian and jurisdictional resource areas were recommended to be mapped and depicted on all site plans, with a setback of 100 feet established from these areas. If the setback was not possible, a functional analysis was recommended for assessment of project impacts and suitable mitigation.

ERB recommended general measures regarding the use of pervious pavers and the implementation of stormwater retainment devices, such as cisterns and bioswales, to capture and retain the first one-inch of stormwater runoff. Bioswales may be used to improve the quality of water leaving the site. Security fencing should be limited to fuel-modification zones A and B, and use of wildlife friendly perimeter fencing was recommended. Minimized outdoor lighting was recommended in accordance with the Rural Outdoor Lighting District standards, with all security lighting operating on motion detectors and shielded to avoid illumination of adjacent natural areas. Avoidance of large reflective surfaces was recommended to avoid bird strikes against the glass of all proposed residences.

A landscape/fuel modification plan must be submitted to the Staff Biologist of Regional Planning. ERB has recommended more native plants in the landscaping plan. Non-native plants are recommended only within the irrigated A and B fuel modification zones.

Invasive non-natives and California natives not indigenous to the project region are not to be used. No vineyards, orchards, or lawns are to be planted outside of fuel modification zones A and B (See attached ERB minutes dated November 19, 2012).

A second ERB review of plans for residential development of the remaining lots in Phase 2, which included Lot 22, occurred on February 24, 2014. Many of the recommendations made by ERB during the first meeting regarding development of the project area were also made for the development of homes in Phase 2. ERB recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along streams and drainage courses that traverse the site, and at least 50 feet away from the edge of oak woodlands to avoid impacts from any required fuel modification (See attached ERB minutes dated February 24, 2014). The residential structure footprint proposed for Lot 22 is within 100 feet from riparian vegetation.

Both ERB and Staff considered the other lots proposed in the project area to be consistent with the Malibu Land Use Plan following modifications, but recommended consolidation of Lots 22 and 21 to the south, with retirement of future development and paving of the access strip in order to preserve the oak woodland and riparian habitat surrounding the lots. Staff prepared mitigation measures to address the potential impacts to oak woodland and riparian vegetation, which is detailed under Finding No. 30 (subsection no. 3). An Oak Tree Permit, Application Number ROAK 201300023, was also filed for Lot 21 to address the encroachment impact due to access road improvements.

8. **PREVIOUS CASES/ZONING HISTORY.** Tract No. 38931 was approved by the Board of Supervisors on December 30, 1982, and was recorded on September 24, 1987, for 22 single family lots and three open space lots (Lot Nos. 23, 24, and 25), along with associated drainage facilities and improvements.

A plot plan, Director's Review case number RPP 200400414 for a single-family residence with related improvements, was first approved-in-concept for the site on January 24, 2005. No Coastal Development Permit (CDP) was issued for development on Lot 22 by the California Coastal Commission. The plot plan has since expired.

A modification to the recorded tract map was filed on January 31, 2006, to dedicate Lot Nos. 8, 9, 10, 11, and 12 (originally recorded as single family lots) as permanent undisturbed open space lots, eliminate the condition to require debris basins and drainage improvements in association with Lots 8 through 12, and remove the condition to construct inverted shoulder paving on Piuma Road and Woodbluff Road. The modification was approved by the Regional Planning Commission on May 1, 2013. An agreement between the County and developer requires the developer to record deed restrictions for the dedicated open space lots after obtaining approval from Regional Planning, the Coastal Commission and Department of Public Works' (Public Works) Building and Safety Division; however, no building permits will be issued for the development of any homes until the deed restrictions are recorded.

Director's Review plot plan case number RPP 201303630 was filed on December 24, 2013, in conjunction with environmental assessment case number RENV 201200258.

The proposal for the new two-story residence on Lot 22 must receive a CDP prior to an application for building permits from Public Works' Building and Safety Division.

Ordinance No. 7310 was adopted by the County Board of Supervisors on March 11, 1958, which established the current A-1-1 (Light Agricultural – One acre minimum area required) zone.

9. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The site (Lot 22) is located within the Rural Land III (5) land use category of the Malibu Land Use Plan. The development density allowed under the Malibu Land Use Plan is one dwelling unit per two acres for Rural Land III. Although the development of a residence on a 1.25 acre parcel exceeds the Malibu Land Use Plan density, it is allowed due to the legal establishment of the lot prior to the adoption of the Malibu Land Use Plan in 1986. Development within an SERA requires review by ERB per the policies of the Malibu Land Use Plan. ERB has reviewed the plans and provided recommendations for the project based on the policies of the Malibu Land Use Plan. ERB was established under Policy 64 of the Malibu Land Use Plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned A-1-1 and is not located within any designated Community Standards District (CSD).

11. County Code Section 22.44.300 requires ERB review for development within a designated SERA, which also requires a Director's Review pursuant to County Code Section 22.56.1660.

12. The project's Lot 22 development also meets all applicable development standards in the A-1-1 Zone, pursuant to County Code Sections 22.24.110, 22.20.110 and 22.20.120. Required setbacks are 20 feet for the front yard, 5 feet for the side yard and 15 feet for the rear yard. The proposed residence meets or exceeds the required yard setbacks, and does not exceed the maximum height permitted for 35 feet above natural grade. The proposed retaining walls within the required yard areas do not exceed the maximum height requirements of six feet in compliance with County Code Section 22.48.160 D. Parking requirements are to be satisfied with two or more covered parking spaces for the residence pursuant to County Code Section 22.52.1180.

13. The applicant has filed an oak tree permit application under Lot 21 Project Number R2013-03626, Case No. ROAK 201400023, for the encroachment of one oak tree for access road improvements to serve Lots 21 and 22 pursuant to County Code Section 22.56.2080. A letter from the County Fire Department's Forestry Division (County Forester) dated August 28, 2014, was received with conditions of approval for the oak tree encroachment proposed in accordance with County Code Section 22.56.2140.

14. **SITE VISIT.** A site visit was conducted by the Staff Biologist on November 15, 2012. The site visit was made prior to the first ERB meeting date of November 19, 2012. The Staff Biologist assessed the site for potential impacts to the natural environment. The Staff Planner visited the site on June 19, 2014.

15. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the Santa Monica Mountains Coastal Range. The site has a pre-graded pad, a natural drainage course that runs northwest to southeast, a drainage swale, and is surrounded by native vegetation. The area topography is characterized by slopes that are moderate to steep, which slope upward from the northwest area of the property to the southeast. The pre-graded pad area is located at an elevated plateau south of the drainage course, towards the south end of the property. The sloping topography of the property continues with an inclining slope up towards the south end of the property and beyond. The site is within the Malibu-Cold Creek Resource Management Area, with a designated ESHA located across the property along the natural drainage course.

    The proposed single-family residence within this designated sensitive environment has been required to have mitigation measures prepared to protect the surrounding environment from potential impacts to the biological habitat (native flora and fauna), to protect the aesthetic quality (i.e. visual impacts from the surrounding areas and designated riding and hiking trails), and to protect potential erosion and runoff impacts upon neighboring properties and natural waterways. Through the implementation of environmentally protective mitigation measures, the proposed impact to the surrounding community would be less than significant, ensuring land use compatibility of the project with the Rural Land III policies of the Malibu Land Use Plan.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

16. The Public Works Department (Public Works) responded to project consultation with comments in their letter dated October 1, 2013, requesting that the environmental document disclose the proposed realignment and reconstruction of the intersection of Piuma and Woodbluff Road. Road improvements along the frontage of the subdivision on Piuma Road and Woodbluff Road were waived by Public Works due to potential oak tree impacts for the subdivision; and future highway dedication previously reserved for 8 feet along Piuma Road west of Woodbluff Road, and 10 feet reserved east of Woodbluff Road, were waived. Public Works reviewed all mitigation measures prepared for the Mitigation Monitoring and Reporting Program and the updated initial study, and issued a clearance for the environmental document for the complete project area on July 28, 2014.

17. The Fire Department (Fire) responded to project consultation with comments in their letter dated October 3, 2013. Fire's Planning Division had no comments, and the Land Development Unit will impose standard requirements for the project located in a Very High Fire Hazard Severity Zone (VHFHSZ), or Fire Zone 4, during the building plan check process. Fire's Forestry Division required that the project's watershed management, erosion control, rare and endangered species, fuel modification, archaeological, and oak impacts be addressed. Fire's Health and Hazardous Materials Division had no comments or objections to the project. Following final review of the updated initial study and mitigation measures for the project, Fire commented in their final letter dated July 1, 2014, reiterating the comments in the letter of October 3, 2013, with the only outstanding comment in the 2014 letter reflecting the Forestry Division's requirement that the project comply with fuel modification requirements for Fire Zone 4. Mitigation Measure No. 1.3 covers requirements for the fuel modification zone for the project, which must have final approval by Fire.

18. The Department of Parks and Recreation (Parks and Recreation) responded to project consultation with comments in their letter dated October 9, 2013. Parks and Recreation had concerns regarding visual impacts the project could cause for riders and hikers of the Backbone Trail. The letter also reiterated that per the approval of the Tract No. 38931, the developer is to dedicate land for the Backbone Trail and is to work with Parks and Recreation to dedicate and construct a 20-foot-wide trail easement. Following final review of the updated initial study and mitigation measures for the project, Parks and Recreation commented in their final letter dated July 8, 2014, that the initial study clearly state that the Backbone Trail traverses the project site per the Trail Report dated April 24, 2013, and that the trail connect to an existing and proposed network of trails that are part of the County's Multi-Use Trail System.

19. The Health Department (Health) responded to project consultation with comments in their letter dated September 27, 2013. Health did not have any objections to the project and development of all lots proposed for Tract No. 38931, with the exception of approval for Lot 7. Lot 7 had previously received an approval in concept for a residence in 2007 from Health's Land Use Program, but due to changes in the Plumbing Code, development is now required to have a 150 foot setback from a blue line stream. The previous approval in concept for Lot 7 was only valid for one year, and Health's Land Use Program did not grant conceptual approval for the newly proposed development on Lot 7. Health set forth a requirement for a "will serve letter" for the project from the Las Virgenes Municipal Water District. Because the project will utilize an Onsite Waste Treatment System (OWTS), Health's Land Use Program cleared the Percolation Test Results and a Feasibility Study (dated July 28, 2011) for Lot 22 and all other lots proposed for development, with the exception of Lot 7. Conditions are to be imposed as cited in a letter from Health dated September 28, 2011, to AHSIRT Engineering, Inc. After review of the updated initial study and proposed mitigation measures, Health issued a final letter with comments reflecting those of the initial letter of September 27, 2013. The final letter also required some additional language for the Hydrology and Water Quality mitigation measures regarding the "will serve letter" requirement and completion of the feasibility report.

20. The Sheriff's Department (Sheriff's) responded to project consultation with comments in their letter dated December 4, 2013 and indicated that response times to the project area would likely be impacted due to its location but that the proposed project was not expected to have a significant impact on the Sheriff's resources and operations. The Sheriff's also specified that project-related construction activities are not to impede emergency access to or from the proposed project area.

21. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff received comments following informal consultation with the State Department of Fish and Wildlife (State Fish and Wildlife) in a letter dated March 6, 2014. The letter expressed concerns related to fire risk and fuel modification zone impacts that could lead to additional areas for invasive species to take root, which could create dry fuel areas. It was recommended that impact assessments include vegetation clearance. Surveys for special status plants, bats, and suitable habitat for bats were also recommended.

22. Informal consultation on the draft initial study was also sought with the Las Virgenes Municipal Water District, the City of Malibu, the Mountains Recreation and Conservation Authority, the Santa Monica Mountains Conservancy, the National Park Service, and the

United States Army Corp of Engineers. No comments were received from these agencies.

23. Regional Planning, the lead agency, circulated the initial study and Mitigation Monitoring and Reporting Program with the Notice of Completion for the Mitigated Negative Declaration (MND) to the State Clearinghouse to solicit comments from Reviewing State Agencies. The State Clearinghouse distributed the MND documents to the State Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; and the Native American Heritage Commission. The State Clearinghouse review period opened on May 12, 2014, and closed after an extended period on June 30, 2014. The only agency that provided comments was State Fish and Wildlife.

24. State Fish and Wildlife submitted a second set of comments to Regional Planning during the State Clearinghouse review period in their letter dated June 24, 2014. The need for special surveys was reiterated, along with the need to address the timing of the surveys. Also indicated in the letter were concerns regarding fuel modification impacts to surrounding oak woodland. Per the letter, direct impacts to 2.74 acres of understory plants and other habit should require mitigation at a ratio to replace the impacted community's habitat value. Conservation of no less than 6 acres of intact oak woodland, which would not be subjected to any type of disturbance, was recommended. Updated vegetation maps, with clarification between Ruderal and Disturbed vegetation classifications, were recommended. Recommendations were made regarding impact analysis of all fuel modification areas, analysis of mapped wetland delineation areas, identification of potential impacts to stream and riparian resources, and mitigation and reporting commitments for issuance of a Lake and Streambed Alteration Agreement. Also recommended was analysis for impacts to species protected under the California Endangered Species Act (CESA), and a requirement for a complete discussion of the purpose and need for the project, staging areas, access routes to construction and staging areas, and a range of feasible alternatives. Finally, State Fish and Wildlife recommended a complete assessment of flora and fauna within and adjacent to the project area with special emphasis on endangered, threatened, sensitive and locally unique species. As part of the assessment, impacts from noise, light, and human activity should be discussed and a cumulative effects analysis is recommended.

25. **ZONING ENFORCEMENT.** As of September 10, 2014, Regional Planning's Zoning Enforcement Section did not have any notice of violations registered on the subject site or within the project area.

26. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15072, the community was appropriately notified of the project and the Notice of Intent to adopt the MND by property posting at three designated locations within the project area.

27. Noticing on the property frontage was kept up for 30 days during the public review period from May 13, 2014, to June 13, 2014, and in accordance with CEQA Guidelines Section 15073, which requires a 30 day public review period when an initial study with a MND is

submitted to the State Clearinghouse. An additional public review period of 30 days was granted to July 14, 2014, to allow the Department of Fish and Wildlife, a Trustee agency, the ability to provide comments. Noticing on the property frontage was updated to indicate an extension of the public review and comment period to July 14, 2014.

28. The Notice of Intent to adopt the MND was also posted in the County Clerk's Office during the 30 day public review period.

29. **PUBLIC COMMENTS.** Staff has received numerous public comments in opposition to the proposed development of the subject site and the other 14 lots in Tract No. 38931. Opposition to the design, bulk and height of the residences proposed within the rural mountain community of Monte Nido, and within an environmentally sensitive area, have been noted in letters and emails sent to Regional Planning Staff. A letter was also received on July 14, 2014, from the President of the Monte Nido Valley Community Association (MNVCA) in opposition to the project and to the adoption of the MND for the project area. Indicated in the letter is a statement that the initial study fails to adequately disclose the environmental impacts that the homes proposed for the project will have on the aesthetics of the community, surrounding trails, parkland, biological resources, and water quality. The MNVCA believes the MND is inappropriate for the type and intensity of impacts anticipated with all 15 homes proposed as part of the project, and believes an Environmental Impact Report is warranted.

**DIRECTOR'S REVIEW SPECIFIC FINDINGS**

30. The proposed residence on Lot 22, if carried out with implementation of ERB recommendations and with all mitigation measures that are a part of the Mitigation Monitoring and Reporting Program for the project, will have a less than significant impact on the environment and will be consistent with the Malibu Land Use Plan.

31. Staff has reviewed the letters of opposition to the design of the homes within the project area, and the letters from State Fish and Wildlife and the MNVCA addressing concerns related to the accuracy of the initial study and the adequacy of the mitigation measures prepared for the Mitigation Monitoring and Reporting Program for the project.

    - Staff has determined that design of the homes, including the design of the home on this subject site Lot 22, is in compliance with the County Zoning Code for height and setback requirements. ERB did not make any specific recommendations regarding the design of the homes, only in reference to setbacks to avoid oak woodland and riparian vegetation impacts.
    - Staff has also determined that the mitigation measures prepared for the Mitigation Monitoring and Reporting Program are sufficient to reduce all environmental impacts identified in the initial study to less than significant.
        1. Visual impacts to the surrounding area and from the Backbone Trail will be reduced to less than significant when required landscaping and vegetation used for screening of the new residences reaches maturity. Reduced lighting and use of natural colors for all structures will also ensure visual impacts are less than significant.
        2. Measures are adequate to protect air quality through the use of aqueous diesel fuels for construction equipment and for dust control measures.

3. Mitigation measures are sufficient to reduce and eliminate any impacts to the biological and ecological community present in the project area, with required measures for additional bird nest surveys and bat protection, as well as required measures for prudent fuel modification zone brush clearance and wildlife permeable fencing. Staff concurs with the conclusions presented in the 2013 Biological Assessment Report regarding the site's flora prepared by PCR Consultants. Additional plant species of concern identified by the State Fish and Wildlife, not included in an appendix table of the report, have also been addressed by the County and are found not to be present or expected, or are considered absent from the project area. Staff concluded that the impacts to oak woodlands raised in the letters would not be considered a significant impact due to a combination of the current disturbed character of the woodlands on site, the proposed open space dedication of Lots 8-12, and the existing open space dedication of Lots 23-25. Although fuel modification will reduce the cover of flashy fuels and ladder fuels under oak tree canopies, reducing the structural complexity of these stands, it is not expected to appreciably alter the species composition within on-site oak woodland patches. Staff requested that the project's environmental consultant prepare a map of oak woodland resources within the entire tract with accompanying analysis to verify the acreage of impacted and preserved oak woodland stands. ERB had recommended in their review of the proposed residential structures that building structure footprints be kept back at least 50 feet from the edge of oak woodlands. Staff determined that sitting of the structures closer than 50 feet to the edge of oak woodlands in some cases would not create a further impact to the existing oak woodland habitat due to the disturbance that had already occurred from previous grading on the lots for development, and the sitting of the proposed building structure footprints within the existing pads of those disturbed areas. In addition, ERB also recommended that all building structure footprints remain at least 100 feet away from the edge of riparian vegetation along stream courses that traverse through the project area. The proposed structural footprint for Lot 22 is within 100 feet from riparian vegetation. Although none of the proposed building structure footprints are proposed within riparian vegetation, some will be within 100 feet of riparian vegetation (Lots 18, 19, 20, 22 and 7). To address this, Staff drafted mitigation measures for biota pertaining to the handling of brush clearance for fuel modification requirements which could impact the riparian vegetation. The mitigation measure identified as Measure 4.3 requires the landscape and fuel modification plan to be approved by the Staff Biologist. The Staff Biologist will review any potential fuel modification impacts to biological resources, including riparian resources, and will make recommendations for the Fire Department's Fuel Modification Unit to review and consider before final approval. Also, the measure calls for the use of hand tools only for vegetation removal. This method minimizes soil disturbance and disturbance to native plants that will remain, including riparian vegetation. Staff believes Mitigation Measure 4.3 is sufficient and deemed acceptable to address ERB's recommendation for the 100 foot setback from riparian vegetation for building structure footprints.

4. Concerns regarding impacts to the native flora and fauna of the site, including vegetation mapping and wetland delineation, were also reviewed by Staff with conclusions that the initial study and mitigation measures prepared properly address the concerns raised.
5. Staff also determined that the initial study and Mitigation Monitoring and Reporting Program adequately addressed concerns raised regarding impacts to hydrology and water quality. Mitigation measures have been prepared to protect local streams and drainage courses from harmful runoff, with the requirement for the use of capture swales and approval of a temporary erosion control plan during construction outlined in Mitigation Measures 10.1 to 10.5. Project proponents will also be required to obtain any necessary Streambed Alteration Agreement from State Fish and Wildlife, and a 404 permit from the Army Corp of Engineers, for any impacts to respective jurisdictional drainages due to development within the project area. Health will also require a complete feasibility report for the proposed onsite wastewater treatment system (OWTS) to be completely reviewed and approved prior to any construction. Regional Planning, along with Public Works and Health, have deemed the mitigation measures sufficient and acceptable for mitigation of hydrology and water quality impacts for the project. A condition of approval will also be included requiring final approval of hydrology by Public Works.
6. Mitigation measures prepared for noise impacts related to construction require specific days and hours for construction activities to commence, and for properly designated staging and delivery areas to be kept as far away from nearby residences as possible. Staff has found the mitigation measures for noise under Mitigation Measure 13.1 as sufficient in reducing noise impacts to less than significant, and in addressing any concerns raised with regard for noise impacts.

32. Per ERB review of November 19, 2012 and February 24, 2014, and the Director's findings, it has been determined:
    1. That the development is consistent with the Malibu Land Use Plan;
    2. That the recommendation and any mitigation measures contained in the ERB report have been considered;
    3. That there are no significant adverse impacts on the sensitive environmental resources;
    4. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for the developments which are located in both a significant ecological area and sensitive environmental resource area.

## ENVIRONMENTAL DETERMINATION

33. An initial study was prepared with a determination for an MND. The initial study for the MND was sent to State Clearinghouse on May 8, 2014, for distribution among State agencies, and for a 30 day public review period from May 13, 2014 to June 13, 2014. A request by State Fish and Wildlife to extend the review period until June 30, 2014 was granted by the lead agency. A letter from the State Clearinghouse was received by Staff on July 9, 2014, stating that the review period closed on June 30, 2014. Comments

were received from State Fish and Wildlife. State Clearinghouse Number 2014051048 was assigned to the document.

34. **TERM LIMIT USE FOR APPROVAL.** The approval in concept of the Director's Review is for three-years. A one year time extension may be requested per County Code Section 22.56.1740.

35. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE SENSITIVE ENVIRONMENTAL RESOURCE AREA AND ENVIRONMENTALLY SENSITIVE HABITAT

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

E. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

F. That roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

WITH RESPECT TO THE DIRECTOR'S REVIEW:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THERERFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Mitigated Negative Declaration, and adopts the Mitigated Negative Declaration under Environmental Assessment Case No. 201200258.

2. In view of the findings of fact presented above, Director's Review Case No. RPP 201301344 is **APPROVED IN CONCEPT**.

BY: Rudy Silvas DATE: 9-24-2014

**Rudy Silvas**
**Principal Regional Planning Assistant**
**Department of Regional Planning**
**County of Los Angeles**

c: Zoning Enforcement, Building and Safety

RS
09/24/2014

# CONDITIONS OF APPROVAL
# DEPARTMENT OF REGIONAL PLANNING
# PROJECT NO. R2013-03630-(3)
# DIRECTOR'S REVIEW CASE NO. RPP 201301344
# ENVIRONMENTAL ASSESSMENT CASE NO. RENV 201200258

## PROJECT DESCRIPTION

The applicant is proposing to build a new two-story 3,732 square foot single-family residence, with associated pool, retaining walls, septic system and seepage pits, hardscape and landscaping. The subject property, identified as Lot 22 of Tract No. 38931, is located along the southside of Piuma Road in Monte Nido, and is 54,594 gross square feet, or 1.25 gross acres, in size. Proposed grading includes 480 cubic yards of cut, 100 cubic yards fill and 380 cubic yards export. The maximum height of the proposed residence will be 25.5 feet above the finished floor elevation of 657.8 feet. Overall maximum height will be 29 feet above grade. An access driveway to the residence is proposed, connecting to a 20 foot wide common driveway to be improved over an access strip from Piuma Road to Lot 21 and shared by Lots 21 and 22. A small bridge that spans the natural drainage course that runs northwest to southeast across Lot 22 and below the access strip and common driveway will be replaced. Improvements to the common driveway over the access strip will also encroach into the protective zone of an existing oak tree which has required an oak tree permit for Lot 21. The proposed residence will have a 2-car garage with a finished floor elevation of 654.0 feet. Public water service is to be provided by Las Virgenes Municipal Water District (LVMWD).

## GENERAL CONDITIONS

1. This grant authorizes approval in concept of a Director's Review for the development of a new two story single-family residence, pool, driveway and retaining walls pursuant to County Code Sections 22.44.300 and 22.56.1660.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been notarized as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. 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 22.60.260 of the County Code.

5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this Director's Review approval in concept, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify

the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee 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 permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

   If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

9. This grant shall expire unless used within three (3) years from the date of "final approval" of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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 permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **2 inspection(s)**. Inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of

any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Within five (5) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Wildlife Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Wildlife Code, currently **$2,256.25** ($2,256.25 for a Negative Declaration or Mitigated Negative Declaration includes Register-Recorder $75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which is attached hereto and incorporated by this reference and set forth fully herein.

13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the County Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.

14. The permittee shall deposit an initial sum of $6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

15. The permitte shall submit the Director's Review approval in concept and MMRP to the California Coastal Commission, 89 S. Californa Street, Ventura, for processing, review, approval and issuance of a Coastal Development Permit.

16. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

17. Following approval and issuance of Coastal Development Permit, the permitte shall submit this Director's Review Approval in Concept building plans for approval to the Calabasas

Fire Prevention Office, at 26600 Agoura Road, Calabasas, for final review and approval and for any necessary developer fees that may be applicable.

18. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the site plan approved by the Director.

19. Following approval and issuance of a Coastal Development Permit, the permitte shall submit plans to the Building and Safety Division of Public Works at 26600 Agoura Road, Calabasas; all development pursuant to this grant shall conform to the requirements of County Department of Public Works.

20. The permittee shall maintain the subject property in a neat and orderly fashion, and shall maintain free of litter all areas of the premises over which the permittee has control.

21. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given at the California Coastal Commission, **six (6) copies of** a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval in concept. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS**

22. The permittee shall implement all recommendations of the Environmental Review Board (ERB) and Staff, as stated in the attached minutes of November 19, 2012, and February 24, 2014, with the exception of No. 5 under Mitigation Areas in the minutes for the February 24, 2014 meeting, which recommends combining Lots 21 and 22 and retiring the driveway and lot areas from future development.

23. Per the County Public Health Department, prior to installation of any Onsite Wastewater Treatment System (OWTS), a complete feasibility report shall be completed in accordance with the requirements outlined in the Department's guidelines: *"Onsite Wastewater Treatment System (OWTS) Guidelines"* and submitted to this Department for further review. The development of each lot is subject to a new review and approval in accordance with the departmental requirements and procedures that are in effect at the time of the development. Additionally, the discrepancies noted above shall be addressed. However, the percolation tests with irregular intervals are acceptable at this time.
    - The percolation rates for all test borings exceed the maximum allowed by the Los Angeles County Code, Title 28 Plumbing Code. Therefore, all OWTS with exceeding percolation rates shall be equipped with supplemental treatment systems acceptable to the Department.
    - The easements required for the development of Lots 8 and 22 shall be recorded through the Los Angeles County Recorder's Office prior to the installation of OWTS.
    - Prior to development of each lot if public sewer connection becomes available within 200 feet of any part of the proposed building or building's exterior drainage, all future sewage drainage and piping from any land development shall be connected to such public sewer.

- If due to the development, unforeseen geological limitations, required setbacks and flood or surface/ground water related concerns or for any other related reasons, conformance with all applicable requirements cannot be achieved, this conceptual approval shall be rendered void. Any future grading in the area where test borings are located may nullify the data that provided a basis for this approval.

24. Per the County Public Works Department, all lots approved for development must receive final approval for hydrology prior to issuance of any grading and building permits.

25. Per the County Sheriff's Department, any project-related construction activity must not impede emergency access to or from the proposed project site.

26. Final grading and drainage plans shall be reviewed and approved by Public Works.

27. The applicant shall store all paints and other toxic construction or finish materials within a secure storage container during construction to prevent any leakage into the soil.

28. The applicant is expected to work diligently to complete the project and shall initiate contact with the Regional Planning Department to pay the fees as specified in Condition No. 14 for the MMRP, and shall work with the assigned Planner and Staff Biologist to begin work on the MMRP.

29. The conditions of this grant and the MMRP shall be retained on the premises at all times and be immediately produced upon request of any County Zoning Enforcement Inspector.

**PROJECT SITE SPECIFIC CONDITIONS**

30. The applicant shall install pool equipment (i.e. filter and cleaning systems) away from the west end of the pool area to a location where noise will be reduced from the west end of the site.

31. Maintain appearance of residence with design features, earth tone colors, landscaping and landscape materials approved per the County and/or Coastal Commission conditions set forth in this plan.

RS
9/24/2014