



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 18, 2016

Zeev Zanzuri
4335 Park Verdi
Calabasas, CA 91302

**REGARDING: PROJECT NO. R2015-00871-(3) / CDP NO. 201500043
24604 MULHOLLAND HIGHWAY, SANTA MONICA MOUNTAINS**

Hearing Officer Bruce Durbin, by his action of **August 16, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **August 30, 2016**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Josh Huntington of the Zoning Permits West Section at (213) 974-6462, or by email at jhuntington@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner



Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MKK:JSH

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NUMBER R2015-00871-(3)
COASTAL DEVELOPMENT PERMIT NUMBER 201500043**

1. The Los Angeles County ("County") Hearing Officer ("Hearing Officer") conducted a duly noticed public hearing in the matter of Coastal Development Permit No. 201500043 on June 7, 2016.
2. The permittee, Zeev Zanzuri ("permittee"), requests the minor Coastal Development Permit ("CDP") to authorize the construction of a single-family residence with attached three-car garage, pool, septic system, driveway, required Fire Department turnaround, landscaping, and 3,450 cu. yd. of grading ("Project") on a currently vacant property located at 24604 Mulholland Hwy (APN: 4455-042-015) ("subject property").
3. The subject property is a 1.64-acre legally created parcel on the east side of Mulholland Highway with undulating topography.
4. The subject property is located in the Malibu Zoned District, the Santa Monica Mountains Coastal Zone ("Coastal Zone"), and is zoned R-C-20 (Rural Coastal – 20 Acre Minimum Area Required).
5. With the Coastal Commission's certification of the LCP on October 10, 2014, the Hearing Officer has the authority to act on Minor CDP applications.
6. The project site is shown within the RL20 (Rural Land 20) land use category in the Santa Monica Mountains Land Use Plan ("LUP").
7. Surrounding zoning within a 700-foot radius includes:
North: R-C-20, A-1-2 (Light Agriculture – 2 Acre Minimum Area Required),
South: R-C-20, R-C-5 (Rural Coastal – 5 Acre Minimum Area Required)
East: R-C-20
West: R-C-5, R-C-20
8. Surrounding land uses include:
North: Single-family residences on lots that are about one or two acres in size.
South: Privately owned vacant lots and single-family residences on lots that are about one or two acres in size.
East: Privately-owned vacant lots and single-family residences on lots that are about one or two acres in size.
West: Single-family residences on lots that are about one or two acres in size.
9. The zoning and case history for the subject property is as follows:
 - October 11, 1998, the California Coastal Commission granted CDP No. 5-88-639 which approved Parcel Map No. 16409.

- Parcel Map No. 16409 was recorded on December 11, 1990. The subject property is Parcel No. 1 of this subdivision.
- January 28, 2014, "Approval in Concept" Plan Plan No. RPP201301270 was approved.
- The certification of the Santa Monica Mountains LCP on October 10, 2014 created the R-C-20 zone and rezoned this property to have the this zoning designation. Prior to the LCP's certification, the zoning on the property had been A-1-1 (Light Agriculture – 2 Acre Minimum Area Required).

10. The Exhibit "A" shows that the subject property is irregularly shaped (roughly hourglass shaped), and is 1.64 acres in size. Mulholland Highway is west of the subject property. The Exhibit "A" shows the driveway accessing the property via Mulholland Highway at the northwest corner of the property. The northern 10 feet of this driveway are on the neighboring property to the north and northeast. The neighboring property is a flag lot, and this driveway would serve as a shared driveway if and when that neighboring property is developed with a single-family residence. The driveway is approximately 235 feet long and curves to the south near the northeast corner of the property until it runs into the Fire Department turnaround.

The Exhibit "A" shows the proposed onsite wastewater treatment system ("OWTS") as being located just south of the driveway, between the driveway and the proposed house. The proposed house is located immediate south of the OWTS, 50 feet from the west property line adjacent to Mulholland Highway, 35 feet from the east property line, 74 feet from the north property line, and approximately 370 feet from the south property line.

The Exhibit "A" shows that the topography of subject property rising from the south to the north to a flat area on a hill in the northern portion of the property, and then the topography drops down toward the northwest corner of the property where the driveway would enter from Mulholland Highway. The proposed house is to be partly built into the hill on the northern portion of the property. The Exhibit "A" shows the house as being a one-story 18-foot tall structure. The front door of the house will face north, and the garage of the house will face east.

11. The Project Site is accessible via Mulholland Highway to the west. Mulholland Highway is a designated scenic route.
12. The Project includes three covered parking spaces in the garage of the proposed residence.
13. Pursuant to County Code Section 22.44.1860, the proposed Project was reviewed by the Environmental Review Board (ERB) because the Project is within 200 feet of H1 and/or H2 habitat. The ERB reviewed the Project on October 19, 2015, and found the Project to be consistent, after modifications, with the resource protection policies and provisions of the LCP. At this meeting, the ERB made four

recommendations to mitigate potential resource impacts. The applicant has already fulfilled one of the requirements by submitting an updated Spring biological survey. This survey did not find any significant or particularly sensitive species within the Project area, including the fuel modification area. The other three recommendations pertain to: landscaping with native plants, runoff retention, and bird-friendly fenestration. These recommendations have been incorporated into the CDP Conditions of Approval.

14. County Department comments and conditions were received from the Departments of Public Works, Fire, and Public Health:
 - The Department of Public Works, in its letter dated April 28, 2016, recommends approval of the Project and requires conditions regarding drainage, grading, and water supply.
 - The Fire Department, in its letter dated March 14, 2016, recommends approval of the Project.
 - The Department of Public Health, in its letter dated April 28, 2016, recommends approval of the Project.
15. The Project qualifies for a Categorical Exemption (Class 3 – New Construction or the Conversion of Small Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines.
16. Pursuant to the provisions of Sections 22.44.970 and 22.44.990 of the County Code, the community was appropriately notified of a Public Hearing by mail, newspaper, property posting, and on the Department's website. Newspaper notices were published on May 5, 2016 and May 12, 2016 in the Malibu Times. Notices to property owners located within a 1,000-foot radius of the property boundaries were mailed on May 2, 2015. Notices were posted on the subject property on May 5, 2016 and were made available on the Department's website.
17. At the June 7, 2016 Hearing Officer hearing, staff presented the case and recommended approval subject to conditions. The applicant also presented project information, including that the project design kept the septic system as far from the stream as possible, and that there were many large houses in the area around this proposed house. Two opponents testified and raised concerns regarding possible damage to views, the placement/orientation of the proposed house, and the large size of the proposed house. The hearing officer continued the public hearing to give the applicant time to address these concerns – specifically asking the applicant to re-orient the house if possible and to further investigate the possibility of moving the septic system so that the house can be relocated. The public hearing was continued to August 16, 2016.

At the August 16, 2016 Hearing Officer hearing, staff presented the case, including a new analysis from the applicant regarding the subject property's constraints regarding the placement of the septic system. Staff proposed a requirement for landscaping on the north side of the proposed house to reduce the house's visual impact and help screen it from the neighbor immediately to the north of the subject

property. The applicant provided information which showed that, due to the proximity of a drainage course, setbacks, and a slope easement, there is no other feasible location to place the septic system on the property. The applicant offered to screen the entry door with landscaping to minimize the impact on the view from the north. One opponent, Harvey Shapiro, the neighbor to the north, testified that the house was too big for the subject property and too big for the neighborhood. Mr. Shapiro also requested that the landscaping be no more than 18 feet in height to limit the impact on his views. The Hearing Officer clarified that such a limit is not required by County Code. After careful consideration, Mr. Shapiro stated that he accepted the applicant's septic system constraints analysis and could accept a proposed house on this property as long as it was not moved any closer to his house. The Hearing Officer stated that he also agreed with the applicant's septic system constraints analysis. After hearing all testimony, the Hearing Officer closed the public hearing and approved the project subject to the attached conditions.

18. The Project is subject to the policies of the Santa Monica Mountains Land Use Plan (LUP), The Hearing Officer finds the Project to be consistent and supportive of the applicable goals and policies contained in the LUP.
19. The Project was analyzed for consistency with the LUP's allowable land uses. The subject property is located within the RL20 (Rural Land 20) land use category of the LUP, a component of the Los Angeles County General Plan ("General Plan"). Therefore, the Project is also consistent with the General Plan.
20. The project is consistent with the overriding goals of the LCP, including protecting, maintaining, and when feasible, enhancing and restoring habitat. The Project is located within a disturbed area of H3 habitat, with fuel modification of approximately 0.5 acres of H2 habitat. No H1 habitat will be impacted by this project.
21. The Hearing Officer further finds that the Project is compatible with the surrounding area in the unincorporated Santa Monica Mountains. The proposed residence is within an existing residential area and is compatible with the surrounding neighborhood. The proposed residence's height of 18 feet is equal to or less than the neighboring houses. The proposed residence's size of 6,840 square feet is larger than the houses immediate adjacent to the subject property, but there are several houses to the west of the subject property that are larger than the size of the proposed house, including a house within 500 feet of the subject property.
22. The Project complies with development standards of R-C-20 zone as well as the Community-Wide Development Standards and Area-Specific Development Standards sections of the LIP. A single-family residence is allowed as the principal permitted use in the R-C-20 zone. The permittee has requested the minor CDP for the above-mentioned development allowed in this zone.
23. The Project is consistent with the LCP's resource projection goals and policies because it is located within a disturbed area of H3 habitat, with fuel modification of

- approximately 0.5 acres of H2 habitat. No H1 habitat will be impacted by this Project, and no trees will be removed as part of this Project. Therefore, the project minimizes adverse effects to nearby sensitive environmental resources.
24. The Hearing Officer finds that pursuant to the provisions of Sections 22.44.970 and 22.44.990 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, and property posting.
 25. The Hearing Officer finds that the Project conditions are consistent with applicable provisions of Section 22.44.1010 of the County Code.
 26. The Hearing Officer finds that the Project site is located at 24604 Mulholland Highway, an improved highway. The Hearing Officer further finds that existing utility and water service providers and public safety agencies will have the capacity to serve the Project without any significant burden and without creating deficiencies in service to adjacent residential areas.
 27. The Hearing Officer finds that Project impacts to the environment and the community are limited by clustering the fuel modification of the proposed residence with those of surrounding residences.
 28. The Hearing Officer finds that the proposed grading and engineering for the Project will ensure public safety during Project construction and operation because the Project Site is not located in a landslide zone or a liquefaction zone.
 29. The Hearing Officer finds that the Project's design includes features to maximize fire safety. The Project will implement a fuel modification plan to minimize the risks of wildfires, establish buffer zones around the proposed structure, dictate the types of vegetation allowed within the buffer zone, and include requirements regarding the removal of brush. Furthermore, all structures within the Project site will be located along paved, all-weather and accessible driveways, including a Fire Department Turnaround, to allow easier access by fire fighting vehicles.
 30. The Hearing Officer finds that the Project will comply with County development standards, including development standards in the LIP related to vegetation management and landscaping, height, grading, exterior lighting, yards, walls, fences, parking and loading facilities, construction colors and, materials, and design, visual resource protection, biological resource protection policies and provisions, and other development features. Project landscaping will be required to comply with the requirements of the LIP and the County's drought-tolerant landscaping ordinances.
 31. The Hearing Officer finds that the Project Site, at 1.64 acres, is more than adequate to accommodate the Project structures and any yards, walls, fences, parking, landscaping, and other development features needed for the Project.

32. The Hearing Officer finds that the Project's proposed three covered spaces will be sufficient to address the needs of the Project.
33. The Hearing Officer finds that the LCP's Biological Resources Map shall be modified within the vicinity of the Project Site to account for the fuel modification of approximately 0.5 acres of H2 habitat. This habitat area shall now correctly be classified as H3 habitat.
34. The Hearing Officer finds the Project Site is not within a landslide zone, liquefaction zone, or FEMA flood zone. The Project, as proposed, will neither be subject to nor increase instability on or off the subject site and has been engineered to ensure structural integrity from geologic, flood, or fire hazards through project design and location. There are no alternatives that would avoid or substantially lessen impacts on site stability or structural integrity. The Project Site is within a very high fire hazard severity zone, but the existing fuel modification and brush clearance being conducted on the site mitigates this risk.
35. The Hearing Officer finds that the project, as proposed, is the least environmentally damaging alternative, and that the Project is consistent with the sensitive resource protection policies contained in the LUP. There are no other alternative locations that would result in less damage to native habitat.
36. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted Santa Monica Mountains Local Coastal Program and the General Plan and that the proposed uses are not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone.
- B. The proposed use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in the LIP, or as is otherwise required to integrate said use with the uses in the surrounding area.

- D. The proposed site contains adequate parking on-site for the Project; is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The proposed uses will not adversely affect identified biological resources and would conform with the biological resource protection policies and provisions of the LCP.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structure categorical exemption); and
- 2. Approves Coastal Development Permit No. 201500030, subject to the attached conditions.

ACTION DATE: August 16, 2016

**MK:JH
8/18/2016**

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00871-(3)
COASTAL DEVELOPMENT PERMIT NO. 2015000043**

PROJECT DESCRIPTION

The project is the construction of a proposed 6,840 square foot, 18-foot tall, one-story single-family residence with attached three-car garage, pool, septic system, driveway, required Fire Department turnaround, and 3,450 cubic yards ("CY") of grading, subject to the following conditions of approval:

GENERAL CONDITIONS

1. 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.
2. 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 recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 11. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 6, and 10 shall be effective immediately upon the date of final approval of this grant by the County.
3. 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 22.44.1090 of the Los Angeles County Code ("County Code").
4. 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 permit approval, 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 reasonably 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 reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the permittee acknowledges and agree (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the County, its officers, agents, and employees

for injury or damage from such hazards; and (iv) to indemnify and hold harmless the County, its officers, agents, and employees with respect to the Hearing Officer's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

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 **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). 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. Prior to the issuance of a Coastal Development Permit, the applicant shall submit to the Director for review and approval documentation demonstrating that, after the Coastal Development Permit was issued and implemented, with all special conditions of that permit satisfied so that the reconfiguration of the lots is final, the applicant executed and recorded against the parcel governed by this permit a deed restriction, as it existed at the time of recordation, in a form and content acceptable to the Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on

the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit, consistent with 22.44.1270 (Lighting), 22.44.1920(E) (Lighting), 22.44.1920(I) (Future Improvements), 22.44.1920(J) (Open Space Requirements), and 22.44.1950 (Mitigation).

10. This grant shall expire unless used within two (2) 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. (Delete if doesn't apply) In the case of a non-profit corporation organized to provide low-income housing for the poor or elderly, an additional one-year grant may be requested provided that an application requesting such extension is filed prior to the expiration of the first such extension.
11. 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 two biennial (one every other year) inspections. 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.

12. 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.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. 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").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. 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 public hearing, **three copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **August 7, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to 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.
19. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Director.

PERMIT SPECIFIC CONDITIONS – COASTAL DEVELOPMENT PERMIT

20. A Low Impact Development (LID) Plan as part of the drainage concept is required. Per County Code Section 12.84.460, comply with LID requirements and provide calculations in accordance with the Low Impact Development Standards Manual which can be found at <http://dpw.lacounty.gov/idd/web/>.
21. Structural Appearance. The permittee shall comply with and remain in substantial conformance with the color palette and material specifications as outlined in Section 22.44.1320 of the County Code and as approved by the this permit. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit.

Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass. The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Any substantial changes in the proposed structural appearance may be required to obtain amendment(s) to the permit(s) or new Coastal Development Permit(s).

22. **Lighting Restriction.** The permittee shall comply with the provisions for Exterior Lighting as outlined in Section 22.44.1270 of the County Code.
23. **Future Development Restriction.** This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for herein as part of these conditions of approval, shall require an amendment to this Coastal Development Permit from the Los Angeles County or shall require an additional Coastal Development Permit from Los Angeles County or from the California Coastal Commission.
24. **Habitat Impact Mitigation.** The applicant shall submit, for the review and approval of the Director, a map delineating all areas of H1, H2-High Scrutiny, and H2 SERAs, as well as all H1 buffer areas, that will be disturbed by the proposed development, including fuel modification and brush clearance requirements on the project site and adjacent property. The habitat areas on the site and adjacent property shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and, if the fuel modification/brush clearance zones extend onto adjacent property, adjacent parcel boundaries. The delineation map shall indicate the total acreage for all habitat areas, both on and offsite that will be impacted by the proposed development, including the fuel modification/brush, pursuant to Section 22.44.1950.
25. **Removal of Vegetation.** Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.
26. **Pool and Spa Drainage and Maintenance.** By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive

habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

27. **Habitat Mitigation and Monitoring Plan.** Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Director, two (2) sets of a revised Habitat Mitigation and Monitoring Plan (HMMP), consistent with Section 22.44.1950.
28. **Archaeological Resources.** By acceptance of this permit the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by an archaeologist(s) for the purpose of locating, recording, and collecting any archaeological materials. In the event that an area of intact buried cultural deposits are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy shall be developed by the applicant's archaeologist and the Native American consultant and implemented subject to the review and approval of the Director.

PROJECT SITE SPECIFIC CONDITIONS

29. This grant shall authorize the the construction of a proposed 6,840 square foot, 18-foot tall, one-story single-family residence with attached three-car garage, pool, septic system, driveway, required Fire Department turnaround, and 3,450 CY of grading.
30. The permittee shall comply with all conditions set forth in the attached County Department of Public Works letter dated April 28, 2016, County Fire Department letter dated March 14, 2016, and County Department of Health letter dated April 28, 2016.
31. Fuel modification shall be accomplished using had tools only to promote native plants.
32. The permittee shall submit a Revised Exhibit "A" to Regional Planning so that staff can review the permittee's revised landscape plan. The landscape plan shall show all locally native plants of the Santa Monica Mountains appropriate for the fuel modification specifications of County Fire. The landscape plan shall also show plantings on the north side of the house to minimize the house's visual impact and help screen the hosue from the neighbors to the north.
33. Once the Revised Exhibit "A" landscape plan is approved by Regional Planning, the permittee shall submit a revised Fuel Modification Plan to the Fire Department

for final review. This is required since the house layout has changed since the last Fire Department review of the Fuel Modification Plan.

34. The applicant shall submit a Revised Exhibit "A" to Regional Planning with detailed information regarding the windows of the proposed residence. Glass used within the Project's windows shall be the least reflective and/or have frit patterns that will promote energy conservation and also prevent bird strikes when the bird mistakes a reflection of habitat for available flight space.

Attachments:

Department of Public Works letter dated April 28, 2016

Fire Department letter dated March 14, 2016

Department of Health letter dated April 28, 2016.

Nesting Birds: Guide to Bird-Friendly Tree and Shrub Trimming and Removal



GAIL FARBER, 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

April 28, 2016

IN REPLY PLEASE
REFER TO FILE: LD-2

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention Joshua Huntington

FROM: Art Vander Vis 
for Land Development Division
Department of Public Works

COASTAL DEVELOPMENT PERMIT (CDP) NO. 201500043
PROJECT NO. R2015-00871
24604 MULHOLLAND HIGHWAY
ASSESSOR'S MAP BOOK NO. 4455, PAGE 42, PARCEL NO. 15
UNINCORPORATED COUNTY AREA OF MALIBU

Thank you for the opportunity to review the site plan and zoning permit application for the project located at 24604 Mulholland Highway in the unincorporated County area of Malibu. The applicant is requesting authorization for a CDP to allow the construction and use of a 7,151.5-square-foot, 2-story, single-family residence. The proposed project will require 3,450 cubic yards of grading.

- Public Works recommends that the conditions shown below 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 following comments have been addressed:

Drainage/Grading

1. Submit a grading plan to Public Works for review and approval. The drainage and grading plans must provide for the proper distribution of drainage and for contributory drainage from adjoining properties by eliminating any street overflow, ponding, and high-velocity scouring action to protect the adjacent lots. The plans need to call out the construction of at least all drainage devices and details and paved driveways; elevation of all pads, water quality devices, Low-Impact Development (LID) features; and any existing easements. Additionally, the applicant is required to obtain the necessary easement holder's approval for the proposed work.
2. Comply with the National Pollutant Discharge Elimination System, Storm Water Management Plan, and Water Quality requirements.
3. Per County Code Sections 12.84.440 and 12.84.460, comply with LID standards in accordance with the LID Standards Manual, which can be found at <http://dpw.lacounty.gov/idd/lib/fp/Hydrology/Low%20Impact%20Development%20Standards%20Manual.pdf> .
4. Provide a maintenance agreement/covenant for any privately maintained drainage devices.
5. An off-site drainage acceptance covenant will be required for any alteration and/or concentration of tributary flows from off-site properties.
6. Obtain soil/geology approval of the drainage/grading plan from Public Works' Geotechnical and Materials Engineering Division.
7. Comply with Public Health's setback requirements for the proposed septic system from any structure.
8. Provide permits and/or letters of non-jurisdiction from all applicable State and Federal agencies. These agencies include the State of California Regional Water Quality Control Board and the Department of Fish and Wildlife.

Mi Kim
April 28, 2016
Page 3

9. Provide legal access including all associated easements and respective document numbers that allow for the proposed off-site driveway and associated grading.

For questions regarding the drainage/grading conditions, please contact Rachelle Burke of Public Works' Building and Safety Division at (818) 880-4150 or rburke@dpw.lacounty.gov.

Water Supply

1. Comply with all of the requirements stipulated by the local water purveyor. The attached Will Serve letter issued by La Virgenes Municipal Water District will expire on November 5, 2016. It shall be the sole responsibility of the applicant to renew the aforementioned Will Serve letter upon expiration and abide by all requirements of the water purveyor.

For questions regarding the water supply condition, please contact Tony Khalkhali of Public Works' Land Development Division at (626) 458-4921 or tkhalkhal@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Matthew Dubiel of Public Works' Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

MD:tb

P:\dpub\SUBPCHECK\Plant\Single\24604 Mulholland hwy\TCDP 201500043\16-3-14 TCDP 201500043 SUB\16-4-14 TCDP 201500043 DPW Rec. Conditions.docx



Dedicated to Providing Quality
Water & Wastewater Service

OFFICERS

President

Glen D. Peterson
Director, Division 2
MWD Representative

Vice President

Lee Renger
Director, Division 3

Secretary

Charles P. Caspary
Director, Division 1

Treasurer

Jay Lewitt
Director, Division 5

Leonard E. Polan

Director, Division 4

David W. Pedersen, P. E.

General Manager

Wayne K. Lemieux

Counsel

HEADQUARTERS

4232 Las Virgenes Road
Calabasas, CA 91302
(818) 251-2100
Fax (818) 251-2109

WESTLAKE

FILTRATION PLANT
(818) 251-2370
Fax (818) 251-2379

TAPIA WATER

RECLAMATION FACILITY
(818) 251-2300
Fax (818) 251-2309

RANCHO LAS VIRGENES

COMPOSTING FACILITY
(818) 251-2340
Fax (818) 251-2349

www.LVMWD.com

MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
OF SOUTHERN CALIFORNIA

November 5, 2015

CONDITIONAL STATEMENT OF WATER SERVICE

TO WHOM IT MAY CONCERN:

**SUBJECT: 24604 Mulholland Hwy
Calabasas CA, 91302
APN: 4455-042-015**

This is to advise you that the water system for the subject property will be operated by Las Virgenes Municipal Water District (LVMWD).

This project will be assured of connection to the water system of the district only if the proponent satisfies all terms and conditions for service as set forth in the district's Code.

Sincerely,

A handwritten signature in black ink, appearing to be "Doug Barrow", written over a large, loopy flourish.

Doug Barrow
Civil Engineering Assistant.

CYNTHIA A. HARDING, M.P.H.
Interim Director

JEFFREY D. GUNZENHAUSER M.D., M.P.H.
Interim Health Officer

ANGELO J. BELLOMO, REHS, QEP
Deputy Director for Health Protection

TERRI S. WILLIAMS, REHS
Acting Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Hilda L. Soto
First District

Mark Ridley-Thomas
Second District

Shella Kuehl
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

April 28, 2016

TO: Joshua Huntington
Principal Regional Planning Assistant
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA
Environmental Health Division
Department of Public Health

M.T

SUBJECT: CDP CONSULTATION
PROJECT NO. R2015-00871/ RCDP 201500043
Single Family Residence
24604 Mulholland Hwy, Calabasas

- Public Health recommends approval of this CDP.
 Public Health does NOT recommend approval of this CDP.

The Department of Public Health has reviewed the information provided for the project identified above. The Coastal Development Permit (CDP) is for the proposed construction of a Single Family Residence. The Department recommends approval of the CDP.

Potable Water Supply

The Drinking Water Program recommends approval of this CDP.

The project will be served by a public water system (Las Virgenes Municipal Water District). The applicant has submitted a current will serve letter from the water purveyor to this Department ensuring the availability of a potable water supply for the project.

Wastewater Disposal

The Land Use Program recommends approval of this CDP.

The applicant has submitted an update to the report dated November 1, 2013 issued by Miller Geosciences, Inc. along with current site and floor plans. The conceptual approval issued by the Land Use program dated February 21, 2014 has been extended on April 27, 2016 for another year.

For question regarding the above section, please contact Michelle Tsiebos or Vicente Banada at (626) 430-5380 or at mtsiebos@ph.lacounty.gov and vbanada@ph.lacounty.gov.

Noise

The applicant shall adhere to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12 for construction purposes.

For question regarding the above section, please contact Evenor Masis or Robert Vasquez at (213) 738-3220 or at emasis@ph.lacounty.gov and rvasquez@ph.lacounty.gov.

For any other questions regarding this report, please contact me at (626) 430-5380 or at mtsiebos@ph.lacounty.gov.

Burden of Proof

Although the subject site is located in a rural area characterized by expansive, naturally vegetated mountains and hillsides, in a radius of about 700 feet there are about 20 existing single-family residences located to the west, north, and northeast of the project site. According to The LUP C-125 "Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions." The project is on a parcel, designated as RL10 (Rural Lands 10) These lands tend to be located near other established clusters of estate-size residential development. Areas with this category include development along Mulholland Highway, Decker Road, and near the community of Fernwood.

The new development is located within, contiguous with, and in close proximity to, existing developed areas. With adequate public services and it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The structure is sited to minimize significant disruption of habitat values, and will preserve the openness and scenic beauty of the area's natural environment.

The development on the parcel is clustered and concentrated in one building site area that conforms to 10,000 square feet.

The structure will be finished in a color consistent with the surrounding landscape, and windows will be made of non-reflective glass.

The building will be constructed so as to comply with the Universal Building Code limit for interior noise of 45 dB CNEL. The new development will limit exterior lighting, except when needed for safety, and will use best available Dark Skies technology to minimize sky glow and light trespass, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

The proposed development has an adequate water supplies served by Las Virgenes Municipal Water District (LVMWD), and private septic for sewage.

The development will minimize the apparent size of exterior wall surfaces visible from off-site by using landscaping, and the neutral resources of the site.

Biological Resources Map of the SMM LCP has designated the vast majority of the parcel as H3, H2, and buffer area. H3 and buffer zones do not constitute environmentally sensitive habitat areas.

The development will be on H3 and some H2 eras and will keep the 200feet from H1 eras.

See Vegetation Map and Photo Points.

Historically, residential development has been granted on parcels designated as H2, given the development area was less than 10,000 SF (as this development is). This parcel does not include any scenic resources or native trees. According to the SMM LCP One Stop meeting (held on 11.19.14), the "proposed development may be exempt from CEQA review".

The vast majority of the planned developed area and approximately half of the undeveloped area consist of non-native grassland. The remaining portion of the parcel, which will not be developed) consists mainly of mixed chaparral. The planned development aims ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. See Fuel Modification Zones.



Los Angeles Audubon Society
PO Box 931057
Los Angeles, California 90093-1057

Telephone: 323-876-0202
Fax: 323-876-7609
www.laaudubon.org

Guide to Bird-Friendly Tree and Shrub Trimming and Removal



*This booklet has been reviewed by the
California Department of Fish and Game*



Printed on
Recycled Paper Using Soy Inks

March 2009

When one tugs at a single thing in nature, he finds it attached to the rest of the world. -- John Muir



BIRDS BUILD HOMES TO RAISE YOUNG MUCH LIKE PEOPLE DO

Birds build homes in which to raise their young just as humans do, although their site selections are more varied and often in obscure, hidden places. It is common to think of nests being in tree branches. But some birds build nests on the ground, in bushes and cavities; some build on the sides and eaves of houses, as well as on other man-made structures. They use natural substances and materials to do the job: mud, saliva, spider webs, caterpillar silk, leaf mold, twigs, grasses, and certain other plant fibers. The nest protects the bird's eggs from adverse weather and predators, and keeps eggs and nestlings warm.

THE BIRDS OF LOS ANGELES COUNTY: MORE THAN MEETS THE EYE!

What comes to mind when most people think about city birds are pigeons, mockingbirds, crows, and sparrows. Yet these birds are but a small portion of the more than 120 species that reside in Los Angeles County year round. Annual migration brings in additional species to the area, including more than 60 other breeding species (such as orioles and kingbirds). In total, 350+ species live, nest, or pass through the Los Angeles Basin during any one year. Most of them rely on trees, shrubs, and brush for food, cover, nesting, and rest.

Birds generally choose lush locations, such as city parks, schools, business parks, and neighborhoods with high tree density; however, nothing 'typical' should be assumed.

During the spring and summer, many birds, including some migrants, nest in Los Angeles County. Unfortunately this is also the time of year that cities and residents tend to trim trees, prune shrubs, and clear brush. Severely cutting, trimming, and topping trees and other greenery in the spring and summer can destroy nests and may eliminate valuable nest sites.

There are laws that protect birds, their nests, eggs, and young from being removed, destroyed or harassed. A summary of these laws are contained in this booklet. It is worthwhile mentioning that violating any of these laws may result in fines and imprisonment.

Los Angeles Audubon has created these guidelines to inform city authorities, tree trimming contractors, and the general public about the impact on birds by trimming during the times of the year when they are nesting. With your help, great numbers of birds may be spared the destruction of their nests and young each year. In turn, our birds can achieve healthy populations, and continue to provide ecological and aesthetic benefits to humans. More importantly, it will ensure that future generations will be able to enjoy the bounty of birds that call Los Angeles County home.

IMPORTANT PHONE NUMBERS

To report bird harassment, killing, and/or destruction of bird nests:
CALIFORNIA DEPARTMENT OF FISH AND GAME: 888-334-2258
For nesting surveys: 858-467-4201

For advice on nesting birds or referrals for nest surveys:
LOS ANGELES AUDUBON: 323-876-0202
Monday – Thursday, 10 AM – 4 PM

To report bird harassment, killing, and/or destruction of bird nests in county parks:
L. A. COUNTY PARKS & RECREATION: 213-738-2961
Emergency After Hours: 213-974-1234

To report nest disturbance, inappropriate trimming in the City of Los Angeles:
L. A. URBAN FORESTRY DIVISION: EMERGENCY: 311

To report nest disturbance, inappropriate trimming in the coastal zone:
CALIFORNIA COASTAL COMMISSION
Enforcement officer: 562-590-5223

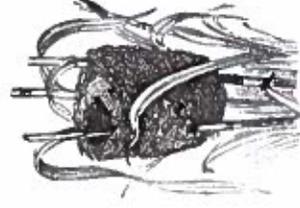
LAWS PROTECTING BIRDS



drive any game or non-game bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.

Federal Migratory Bird Treaty Act

703. Taking, killing, or possessing migratory birds unlawful.
“...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...”



Los Angeles County Municipal Code:

Sec. 53.48. SONG BIRDS – KILLING

No person shall kill any song bird or destroy or rob the nest of any such bird.

California State Code:

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Title 14, Chapter 1, Section 251.1. Harassment of Animals

Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or

IMPORTANT FACTS ABOUT NESTING BIRDS



The Time of Year that Birds Typically Nest

Many species nest between March 1 and August 31. California Department of Fish and Game often requires surveys for raptors from January 15 to September 15. But nesting birds, especially hummingbirds, hawks and owls, may be found at any time of year, depending on the species. However there are several species that court and nest outside this time frame, for example, some herons and egrets, many raptors (birds of prey), and most hummingbirds. See Appendix B for guidance on safe times for trimming near heron and egret nests. Consult an independent qualified biologist for safe trimming times upon discovering any large nest.*

***NOTE:** Certain species such as hawks, owls, herons, egrets, crows, and ravens also often re-use nests. If a large nest made of twigs is encountered, even if unoccupied, assume that it belongs to one of these birds and do not disturb it.

Types of Birds that Nest in Los Angeles County

There are a great variety of species that call Los Angeles County home. The following is a brief list of species, but please note that it is not all-inclusive:

- herons, egrets, cormorants*
- hawks, falcons, owls
- pigeons, doves
- hummingbirds, swallows
- woodpeckers
- crows, ravens, jays
- wrens, bushitts, mockingbirds, orioles, sparrows, finches

***NOTE:** SEE APPENDIX B FOR SPECIAL CONSIDERATIONS FOR HERONS, EGRETS AND CORMORANTS.

What To Do Before Trimming

It is best to avoid the nesting season altogether and do your tree trimming between September and February. At any time the area should be carefully inspected before you begin your operation. For larger areas and sensitive habitats such as areas of native plants, dense brush, stream sides and stands of trees, it is best to hire a trained biologist to conduct the survey.* Laypersons may attempt to conduct their own nest survey; however in most cases this is not possible or practical. Most birds conceal their nests carefully and will not be visible to the average observer; but they do give obvious clues of their whereabouts. There are several ways to detect bird nests: 1) look on the ground for concentrations of white-colored droppings, then check the vegetation above; 2) as you walk through an area, look for birds flying out of vegetation close to you and intensely scolding you; they may have a nest nearby; 3) sit quietly and watch for birds that may be bringing nest material or food repeatedly to one place. Birds tend to place their nests just on the undersides of the tree canopy and where branches join together.

*See Appendix A for detailed nest descriptions

When an Active Nest is Found – STOP TRIMMING!

All work that has the potential to disturb or destroy the nest should cease in the immediate vicinity (50 ft is a good rule of thumb for songbirds, 500 ft for raptors). The nest should not be touched or moved. A qualified biologist or the California Department of Fish and Game can assist in making determinations on how far away to remain from the nest and other measures to avoid disturbing or destroying it. Ideally the nest should remain undisturbed until the young have fledged (left the nest on their own) or the nest is abandoned.

Advice on Finding Nests: Professional Nest Surveys

If you are not comfortable or able to perform a nest survey prior to your project, qualified biological consultants can be found online, or the California Department of Fish and Game may be able to assist you. Either one can perform a nest survey of the trees, shrubs, brush, or other vegetation in question. As stated previously, nests are not easy to spot or to identify. Special care needs to be taken to survey the project area if it includes trees, abandoned buildings, brush, vacant lots, and deadfall.

How Finding Nests May Affect a Project

If the nest contains unhatched eggs or young, work within 50 feet or more of the nest may need to be delayed depending on the species involved. When the species is identified California Department of Fish and Game or Los Angeles Audubon may be able to provide the amount of time until the eggs hatch and nestlings fledge. If the nest is voluntarily abandoned or depredated (and again depending on species) work probably can be continued. However, a precise determination can only be made by an expert such as a consulting biologist or the California Department of Fish and Game.

Why Nests Can't be Disturbed or Moved to Another Location

The parents choose the nest location for specific reasons: proximity to food and water sources; protection from predators and the elements. Birds may abandon their nest (which may already include eggs or young) if it is disturbed or if the parents are harassed. Moving a nest requires special permission from the U.S. Fish and Wildlife Service and is usually only granted for human health and safety reasons.

What You Can Do If You Witness Tree Trimmers Disturbing or Destroying Nests

Ask them to stop, and make them aware it is against the law. Then a call should be placed to the California Department of Fish and Game. [See "Important Phone Numbers"] Be prepared to provide the exact location of the activity. Specifically note address and cross streets as well as a vehicle license plate number or name of the company doing the trimming.

Why We Should Care About Protecting Birds' Nests

First and foremost, it is the law. Second, birds provide numerous beneficial activities, such as eating many thousands of insect pests, which may eliminate some of the need for toxic pesticides. They also disperse seeds over wide areas, ensuring plant health and biodiversity. Finally, many bird populations nationwide are plummeting primarily due to the impact of human activities. Birds are creatures of the earth, a family of animals with which we share this planet and its limited resources. Our positive, cumulative actions can make the difference in ensuring their long-term survival.

IMPORTANT FACTS TO CONSIDER WHEN PLANNING A PROJECT

- Trimming or removal of trees can only be conducted safely outside of the breeding seasons for the bird species inhabiting the area. A qualified independent biologist or the California Department of Fish and Game should be retained by the City and/or project manager to conduct focused nest surveys prior to any work.
- All persons under contract should be made fully aware of the laws protecting birds and the proper protocols when encountering active nests.
- Hire an arborist that is ISA (International Society of Arborists) certified, a licensed landscaper, or a qualified tree trimmer who knows and cares about a tree's health. Avoid hiring 'bargain' tree trimmers or handymen, as they are generally inexperienced and may cause more harm than good to the trees.
- Most trees in Southern California are trimmed excessively and inappropriately, especially around apartment complexes and condominiums. This is not only to the detriment of the trees, but it leaves fewer habitats for birds to thrive in. Examples of unnecessary tree trimming are:
 - Thinning out pine trees and conifers to the point that you can see through them;
 - Sycamore trees—they do not need pruning because they don't drop limbs;
 - Removing dead palm fronds that drape down around the trunks of palm trees, which provide valuable nest sites for orioles and kingbirds.
- Choose tree varieties wisely. Put the right tree in the right place to prevent the need to severely trim or remove trees because they are too big, no longer 'work,' or are causing problems for plumbing, uprooting sidewalks, growing into electrical lines, etc.
- Please Remember: Trees are not ornaments; they are living organisms and will naturally become a host for other living things.

APPENDIX A

TYPES OF BIRD NESTS

- Birds as small as hummingbirds and as large as herons nest on tree branches; so do hawks, owls, and crows. The nests may be found at every level of the tree, from the crown to the understory; they may be near the crotch, between branch and trunk, or out toward the end of a branch. Birds may use maples, pines, junipers, oaks, sycamore, and palm trees for nesting.
- Some birds, such as some species of sparrow, use grassland and brushy areas, making the nest on the ground.
- Species such as wrens, juncos, and finches may build their nests in bushes and shrubs with dense, compact foliage, or on the ground below them.
- Some swallows and flycatchers build mud nests attached to the sides of buildings, under culverts, and the eaves of houses.
- Woodpeckers, wrens, some species of owls, sapsuckers, and swallows use cavities that they either excavate themselves or use after another has abandoned it. They will use holes found in live and dead trees, stumps, cacti, and sides of old buildings.

The types of nests that birds construct are as varied as the birds themselves. A few of the major examples are:

- **Scrape nests** are simple depressions in the ground (sometimes with a few stones or leaves added), or in the leaf litter. Such nests are used by shorebirds, gulls, terns, nighthawks, vultures, and other species.
- **Burrow nests** are very effective at protecting eggs and young from predators and maintaining an appropriate microclimate for eggs and young. Some birds, like Bank Swallows and Belted Kingfishers, usually construct their own burrows, while others, such as Burrowing Owls, may use the burrows constructed by other species.

- **Cavity nests** are used by numerous passerines, woodpeckers, owls, parrots, and some waterfowl. Woodpeckers construct their own cavity nests and are referred to as primary cavity nesters. Species that use natural cavities or cavities constructed by primary cavity nesters are called secondary cavity nesters.
- **Platform nests** are relatively flat nests that may be located on the ground, in a tree, or on the tops of rooted vegetation or debris in shallow water.
- **Cupped nests** are, of course, cup shaped. Such nests may be constructed of various materials and in a variety of locations. Noted ornithologist Olin Sewall Pettingill subcategorized cup nests as follows:
 - **Supported cupped nests:** nests located in the crotches and branches of trees and shrubs, supported mainly from below. Many passerines and hummingbirds build such nests.
 - **Suspended cupped nests:** nests not supported from below but from the rims, sides or both:
 - **Pensile:** nests suspended from the rims and sides; rather stiff (e.g. those of kinglets and vireos).
 - **Adherent nests:** cupped nests whose sides are attached by an adhesive substance (e.g. mud or saliva) to a vertical surface, like those of swifts and some swallows.
 - **Ground nests:** cupped nests on the ground; sides are sometimes extended upward and arched over the top making a domed structure. Several passerines, particularly those that occupy open habitats like grasslands and tundra, build ground nests.

[Information on nests courtesy of Prof. Gary Ritchison, Ornithologist, Dept. of Biological Sciences Eastern Kentucky University
[<http://people.eku.edu/ritchison/birdnests.html>]

APPENDIX B

SPECIAL CONSIDERATION: HERONS & EGRETS

(Species includes Great Blue Heron, Great Egret, Snowy Egret, Green Heron and Black-crowned Night Heron)

Heronries or nesting colonies of herons are frequently located in areas isolated from human disturbance, such as riparian corridors, marshes, and groves of trees adjacent to water bodies or on islands. However, some herons have adapted minimally to human activity and may build their nests in trees near apartment and condo complexes, ports, and harbors that have large trees planted in their greenscape.

Herons are especially vulnerable to human disturbance and habitat destruction during pair formation and the breeding season (mid-November to September of the following year) when large numbers of birds are concentrated in a rather confined area. Herons are delicate and tend to desert nests and entire colonies if disturbed during periods of pair forming (starting mid-November), nest construction (starting in January) or early egg laying (as early as January). Herons continue to be sensitive to disturbance after hatching and up until the young fledge (up to late-September). In some cases, colonies have even been deserted after destruction or alteration of their habitat during the non-nesting season. Even if herons relocate after deserting a colony, consequences of disturbance include fragmentation of breeding populations, total reproductive failure in colonies, reduced number of breeding pairs, and reduced reproductive output per pair. Ultimately this can affect the stability of the entire regional population (Bowman & Siderius, 1984).

Herons are unpredictable in their response to disruption of a colony and the severity of the response does not always correspond to the magnitude of the disturbance (seemingly innocuous activities can produce serious results). The most important factors to consider when evaluating these effects are the timing of the disturbance in relation to critical periods of the nesting season and the degree to which the birds are able to adjust to human activities (degree of exposure-induced habituation). Herons are sensitive to humans and mammals moving around under their nesting trees.

When conducting surveys or inventories, individuals should take caution to avoid walking into heronries, especially under nesting trees (indicated by the ring of white guano around the base of the tree). Should they find themselves within a heronry, one should quietly and quickly leave by the same route they entered.

Density of vegetation within and surrounding the colony can influence the impact of disturbances. The removal of vegetation near a colony can open paths into the heronry that would not only enable intrusion by humans and predators, but would result in an increased number of exposed nests. Maintaining the vegetation, including trees and shrubs, around a colony provides alternate nest sites and a buffer against disturbance. Furthermore, tree trimming should generally not remove more than the minimum of foliage necessary for human health and safety, and should be done, where it is permitted, in a manner that does not unnecessarily discourage herons and egrets from returning to their altered (trimmed) habitat during the next breeding cycle.

HERON & EGRET BREEDING ACTIVITY:

Great Blue Heron: Mid-November to end of September*

Great Egret: Late February to end of August*

Snowy Egret: Early April to late July*

Green Heron: Early April to early August*

Black-crowned Night Heron: Mid-January to end of September*

SPECIAL CONSIDERATION: CORMORANTS

The Double-crested Cormorant, another colonial nesting species, occupies similar habitat and nesting areas as herons. They also need the protection of buffer zones while nesting, but they appear to be less sensitive to human disturbance than herons.

CORMORANT BREEDING ACTIVITY:

Late March to mid-October (especially in Marina del Rey) *

*Information on breeding activity from *Los Angeles County Breeding Bird Atlas and from breeding bird atlas records from San Diego, Orange Counties, and the Salton Sea.*

[PLEASE NOTE: Some of the information on herons and cormorants is adapted from "Special Management Practices for Herons," courtesy of the government of Nova Scotia. Although the information below was provided by biologists in Nova Scotia, it is relevant to these species in most locales. For purposes of these guidelines, local biologists and ornithologists were consulted and relevant dates modified to fit conditions in Los Angeles County. The PDF document in its entirety can be found at: [<http://www.gov.ns.ca/natr/wildlife/Thp/heronsmp.pdf>]