

### **Reason for ERB Review:**

The applicants seek a minor Coastal Development Permit to authorize new development within 200 feet of mapped H1 habitat, pursuant to County Code section 22.44.1860. Review by the Environmental Review Board is required pursuant to County Code section 22.44.1860.

### **Project Description with respect to Impacts to Biological Resources:**

The property is located at 3929 Malibu Vista Drive (“the Property”) and consists of two APNs: 4443-003-011 and 4443-003-012. The Property is currently improved with a single-family residence and accessory structures, which are located on the northern portion of APN 4443-003-012, near Malibu Vista Drive. The majority of the Property is mapped H3 habitat. An area of H1 habitat is mapped within 100 feet to the southeast of the Proposed Project location, offsite. (See Exhibit 5: Habitat Category Delineation, of the Biological Assessment prepared by Environmental Intelligence, LLC.)

The proposed project generally consists of a request to construct a system of retaining walls, 24 underground concrete piles, and two concrete swimming pools. The total length of the proposed retaining walls is 233 feet. The maximum height of the retaining walls will be 9.91 feet and the average height will be 5.18 feet. The total project area is approximately 98 feet by 12 feet and runs from the southeast property line to the northwest property line, approximately 25 feet to the rear of (south of) the existing single-family residence. The project also includes access stairs, a sump pump vault and sump overflow vault between the swimming pools, and a smaller retaining wall along the southeast property line, which is proposed to be approximately 49 feet long, with a maximum height of 6 feet (“the Proposed Project”)<sup>1</sup>

Current aerial photographs (Google Earth and Los Angeles County GIS) indicate that both the area within 100 feet of the Proposed Project location and all of the area shown in Exhibit 5 on both the Rickley and Yazdani parcels do not contain natural vegetation. While those same photographs show that natural vegetation in the form of California encelia scrub exists adjacent to the Property (but more than 100 ft. from the Proposed Project), no new impacts to biological resources are expected or proposed as part of the permitting of the Proposed Project.

**Landscape and Fuel Modification:** No new landscaping is proposed. Existing ornamental landscaping on site is associated with permitted structures and confined to fuel modification zones A and B.

### **ERB PROJECT SPECIFIC RECOMMENDATIONS:**

The Project is subject to the LIP and all relevant requirements. Habitat categories of the LIP (H1 – H3) were developed based on prior National Park Service (NPS) vegetation mapping and are

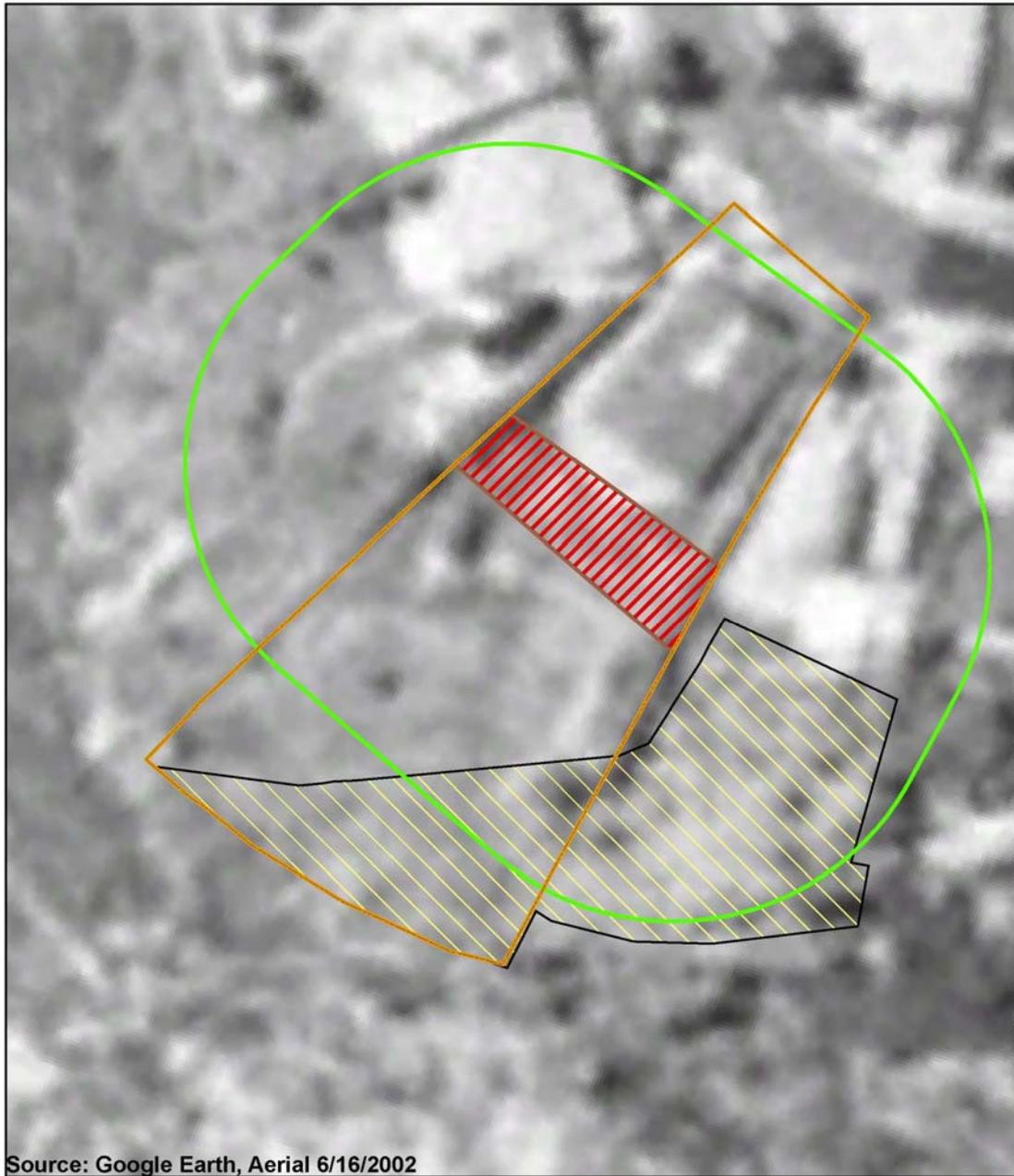
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<sup>1</sup> The applicant has failed to submit a project description that reflects what is shown on the plans and staff has provided a project description based on their review of information contained in the submitted plans only. Any project approval from Regional Planning relates to the submitted plans only, which are required to be returned to Building and Safety for building permit approval.

confirmed in the Biological Resources Map found at Map 2 to the LUP that was adopted in 2014. The NPS mapping was conducted based on aerial photographs. The LIP allows, in the event of mapping inconsistencies, for a “prove-in/prove-out” approach to modifying Habitat Categories based on site conditions. Specifically, County Code section 22.44.1830.A, provides that as part of the coastal development permit process and based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category and those changes reflected on the Biological Resources Map of the LUP found at Map 2. An evaluation of the H1 habitat mapped within 100 feet of the Proposed Project demonstrates that the H1 habitat is more appropriately considered H3 habitat. It is therefore recommended that the ERB consider, and recommend to the Hearing Officer, that such area (as shown in Exhibit 5) be re-designated as H3 habitat.

Staff therefore recommends that:

1. The Biological Resources Map be modified to show all the land shown in Exhibit 5 and designated as H-1 will be reclassified and shown as H-3;
2. The ERB find that the H-1 buffer of 100 feet is not violated by this proposed project;
3. The ERB find that the Proposed Project will not have an impact on mapped H1 habitat, and that the proposed development may proceed consistent with the policies of the LCP; and
4. That the minor Coastal Development permit be approved subject to conditions recommended by Staff.



-  Site Boundary
-  Proposed Disturbance Area
-  Disturbance Area Buffer (100-ft)
-  H1 Classification To Be Removed



EXHIBIT 5: HABITAT CATEGORY DELINEATION  
RICKLEY RESIDENCE | LOS ANGELES CO., CA