



## Planning Director Staff Report – Hearing on June 3, 2021

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [vcrma.org/divisions/planning](http://vcrma.org/divisions/planning)

### BANDI ACCESS ROAD COASTAL PLANNED DEVELOPMENT (PD) PERMIT, CASE NO. PL17-0130

#### A. PROJECT INFORMATION

1. **Request:** The Applicant requests approval of a Coastal Planned Development (PD) Permit (Case No. PL17-0130) to construct an access road in Ventura County to access a proposed single-family dwelling located in Los Angeles County.
2. **Applicant/Property Owner:** Chandra S. Bandi, 11561 N. Deerlake Ranch Road, Chatsworth, CA 91311 (“Applicant”)
3. **Decision-Making Authority:** Pursuant to the Ventura County CZO (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested Coastal PD Permit.
4. **Project Site Size, Location, and Parcel Numbers:** The project site (proposed access road), 1,312-feet in length, is located in the Santa Monica Mountains in the unincorporated area of Ventura County. The Tax Assessor’s parcel numbers (APN) that constitute the subject properties are 700-0-030-095 (39 acres), 700-0-030-055 (4 acres), and 700-0-030-115 (32 acres) (Exhibit 2).
5. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Coastal Area Plan Land Use Map Designation: Open Space
  - c. Zoning Designation: COS-10 ac-sdf/M (Coastal Open Space, 10-acre minimum lot size, slope density formula, Santa Monica Mountains Overlay Zone)
6. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	COS-10 ac-sdf/M	Single-Family Residence
East	Los Angeles County	Undeveloped Open Space (National Park Service land)

Location in Relation to the Project Site	Zoning	Land Uses/Development
<b>South</b>	Los Angeles County	Undeveloped Open Space
<b>West</b>	COS-10 ac-sdf/M	Single-Family Residence

**7. History:** The access road will pass through three legal lots in Ventura County, APNs 700-0-030-095, 700-0-030-055 and 700-0-030-115. The access road continues to Los Angeles County on APNs 4472-016-903 and 4472-016-004. APN 700-0-030-095 was legally created as Parcel 1 of Parcel Map No. 5393, Book 62, Page 3, of Parcel Maps (20031103-0423139). APN 700-0-030-055 is a legal lot created by conveyance (deed recorded January 4, 1943 in Book 663, Page 374, of Official Records), prior to regulation by the Subdivision Map Act or the Ventura County Subdivision Ordinance. APN 700-0-030-115 is a single, discrete legal lot in compliance with the provision of the Subdivision Map Act (Certificate of Compliance CC # 90-08-320). Aerial imagery indicates the access road appeared sometime between 1977 to 1989. Additionally, approximately 1.06 acres of Environmentally Sensitive Habitat Areas (ESHA) were removed from an area located in the northwest corner of APN 700-0-030-055, northeast of APN 700-0-030-115.

It should be noted that on November 8, 2018, the Woolsey Fire ignited and burned 96,949 acres of land in Los Angeles and Ventura Counties. The single-family dwelling ground-mounted solar panels and water tanks located on APN 700-0-030-095 were not damaged by the fire. All the vegetation in the three lots where the access road will pass through was burned by the Woolsey Fire. Post-fire conditions consist of a landscape with charred remains of vegetation and soils, and predominately denuded of vegetation that is slowly recovering. As stated in a letter dated March 17, 2020 by Werner Biological Consulting (WBC), the biologist conducted a post-Woolsey Fire visits to the site on September 16, 2019 and March 11, 2020, and observed vigorous resprouting of many of the shrubs species identified in the Initial Study Biological Assessment and, as expected an abundance of early successional native and non-native annual species as well.

**8. Project Description:** The Applicant requests a Coastal Planned Development (PD) Permit to construct a private driveway in Ventura County to access a proposed single-family dwelling located on APN 4472-016-004 (addressed as 10112 Yellow Hill Road) in Los Angeles County, immediately across the County line (Los Angeles County Case Nos. RCDP T2014-00015 and RENV T2014-00287). The new access driveway will begin at APN 700-0-030-095 and would be located within an existing 60-foot-wide access easement (Ventura County Recorder Document No. 46775, Book 4603, Page 952). The private driveway would then pass into APNs 700-0-030-055 and 700-0-030-115 and would be located within a new 40-foot-access easement (Ventura County Recorder Instrument No. 20140617-00074852-0 and 20140702-00082676-0). The total length of the driveway is approximately 1,532 feet; however, only 1,312 linear

feet is located in the unincorporated area of Ventura County and is further described below.

**Proposed Driveway Access:** The first 629-foot-long section of the access road (driveway), begins south of Yellow Hill Road and will be paved with asphalt concrete followed by approximately 325 feet of driveway that will remain unimproved. The final 357-foot-section of road, up to the Los Angeles County line, will be paved with asphalt concrete. Retaining walls would be constructed along the steeper sloped sections of the driveway. Starting south of Yellow Hill Road there will be retaining walls that are approximately 274.3 feet and 168.6 feet in length, and no more than five feet at maximum height; a retaining wall approximately 75.8 feet in length and no more than 8 feet at maximum height; and, the final portion of driveway that consists of two retaining walls within Ventura County that are approximately 52.9 feet in length and 110.6 feet in length and no more than 4 feet at maximum height. There will be no lighting fixtures on the access road.

Estimated earthwork within Ventura County includes 604 cubic yards of cut and 64 cubic yards of fill. There will be approximately 2,552 cubic yards of over excavation, alluvial removal, compaction and 540 cubic yards will be exported (Exhibit 3).

Permanent impacts to ESHA from the proposed access driveway and required 10-foot road buffer fuel modification zone is estimated to be a total of 1.26 acres. Approximately 1.06 acres of ESHA was removed without the benefit of a permit and is not within the development footprint. A total of 2.32 acres of sensitive plant communities that constitute ESHA will be mitigated at a 2:1 mitigation to impact ratio (4.64 acres of mitigation to offset 2.32 acres of loss of ESHA).

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

County staff prepared an Initial Study in accordance with the County's Initial Study Assessment Guidelines. Based on the information contained in the Initial Study, the County prepared a Mitigated Negative Declaration (MND) and made the MND available for public review and comment from January 10, 2020 to February 10, 2020. On January 6, 2020, the Planning Division mailed a notice for the public review period of the MND to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located. Additionally, on January 10, 2020, a legal notice was published in the Ventura County Star and the MND was made available for public review on the County of Ventura Planning Division website and at the County of Ventura Hall of Administration, located at 800 South Victoria Avenue, Ventura CA

93003. On May 2, 2019, a Notice of Intent to Adopt an MND was sent to the State Clearinghouse.

An MND is a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Report. However, the Initial Study identified potentially significant effects on the environment to biological resources, but proposals made by, or agreed to by, the Applicant before the MND is released for public review would avoid the effects or mitigate the effects to a point where no significant effect on the environment would occur. More specifically, the MND identified the following potentially significant, but mitigatable impacts, related to biological resources:

**Section 4A, Biological Resources, Species:** The Initial Study found that the proposed project would have potentially significant impacts to special-status wildlife species. Impacts will be less than significant with the implementation of mitigation measures BIO-1 and BIO-2, which require pre-construction surveys and relocation of special-status species (if necessary).

**Section 4B, Biological Resources, Sensitive Plant Communities:** The Initial Study found that the proposed project would have potentially significant impacts to special-status plant species. Impacts will be less than significant with the implementation of mitigation measures BIO-3 and BIO-4 which require installation of temporary fencing around the development envelope during construction and prohibiting the use of invasive plants and seeds in a landscape plan and erosion control seed mix.

**Section 4D, Biological Resources, Ecological Communities – ESHA:** The Initial Study found that the proposed project would have potentially significant impacts to ESHA. Impacts will be less than significant with the implementation of Mitigation Measures BIO-5 and BIO-6, which require the following: compensatory mitigation for the loss of ESHA that was caused by previous clearing and will be caused by the proposed development and an approved fuel modification plan would be required to minimize impacts to ESHA from fuel modification activities.

**Section 4F, Biological Resources:** The Initial Study found that the proposed project would have a potentially significant impact to biological resources. Impacts will be less than significant with the implementation of Mitigation Measures BIO-1 through BIO-6.

- 1. Findings for Adoption of an MND:** The CEQA Guidelines [Section 15074(b)] states that an MND shall only be adopted by a decision-making body if there is no substantial evidence, in light of the whole record, that the proposed project may have a significant adverse effect on the environment and that the MND reflects the Lead Agency's independent judgment and analysis.

As stated in this Section B of the staff report (above), the MND sets forth mitigation measures to which the Applicant has agreed, which will reduce the proposed project's potentially significant impacts related to biological resources

to less-than-significant levels. As of the date of this report, the Planning Division has received three comments letters, one from California Department of Fish and Wildlife (CDFW), one from the California Coastal Commission (CCC) and one from the Santa Monica Mountains Conservancy (SMMC). The proposed final MND, including written comments on the MND and staff's responses to the comments on the MND, is attached as Exhibit 4. The comments received for the draft MND did not require changes to the analysis or conclusion set forth in the MND. Since the availability of the draft MND, staff has not made any substantial changes to the document that would require recirculation of the draft MND.

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence that the proposed project may have a significant adverse effect on the environment and the MND (Exhibit 4) reflects the County's independent judgment and analysis.

- 2. Mitigation Monitoring and Reporting Program:** The CEQA Guidelines [Section 15091(d)] states that, when approving a project for which an MND has been prepared, the agency shall also adopt a program for reporting on, or monitoring, the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The Mitigation Monitoring and Reporting Program (MMRP) for the proposed project is included in the Conditions of Approval (Exhibit 5). The mitigation measures identified in the MND have been incorporated into the project as Conditions Nos. 21 through 26. These measures require the Applicant to:

- Require pre-construction surveys and relocation of special status wildlife (Condition No. 21);
- Require pre-construction surveys and relocation for woodrat nest to minimize impacts to woodrats (Condition No. 22);
- Require the Applicant to install temporary exclusionary fencing around the construction area to avoid potential impacts from construction activities occurring adjacent to ESHA (Condition No. 23);
- Prohibit the use of invasive plants and seeds in a landscape plan and erosion control seed mix, and in the fuel modification zone (Condition No. 24);
- Enhance, restore, establish, and preserve ESHA at a 2:1 mitigation to impact ratio (4.64 acres of compensatory mitigation to offset 2.32 acres of ESHA) and require all onsite ESHA outside of the development envelope be permanently protected through a conservation easement or deed restrictions (Condition No. 25); and,

- Require the Applicant to submit a fuel modification plan for review and approval to minimize impacts to ESHA as a result of fuel modification (Condition No. 26).

### **C. CONSISTENCY WITH THE GENERAL PLAN**

The 2040 Ventura County General Plan Goals, Policies and Programs (page 1-1) states:

*All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County CZO (Section 8181-3.5.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County Coastal Area Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs* and *Coastal Area Plan*.

#### **Land Use and Community Character**

- 1. Coastal Area Plan South Coast Area Policy 1:** *All zoning and development shall be in conformance with the Lands Use Plan Map (Figure 3-6)<sup>1</sup>, which has been designated to reflect these goals and policies. The Zoning Compatibility Matrix (Figure 3-1) indicates the zones which are consistent with the various land use categories.*

The project site is located within the Coastal Area Plan-South Coast Area with the Open Space General Plan and Area Plan land use designation and Coastal Open Space (COS) zone. The proposed project does not include construction of residential structures, the construction of the access road will allow for reasonable use of the land. The construction of the access road is compatible with the Open Space land use designation and COS zone.

Based in the discussion above, the proposed project is consistent with Coastal Area Plan South Coast Area Policy 1.

**General Plan Policy LU16.1 (Community Character and Quality of Life):** *The County shall encourage discretionary development to be designed to maintain the distinctive character of the unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

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<sup>1</sup> Figures from Ventura County 2040 General Plan

**General Plan Policy LU16.8 (Residential Design that Complements the Natural Environment):** *The County shall encourage discretionary development that incorporates design features that provide a harmonious relationship between adjoining uses and the natural environment.*

**General Plan Policy LU16.9 (Building Orientation and Landscaping):** *The County shall encourage discretionary development to be oriented and landscaped to enhance natural lighting, solar access, and passive heating or cooling opportunities to maximize energy efficiency.*

**General Plan Policy LU16.10 (Visual Access for Rural Development):** *The County shall encourage discretionary development in rural areas to maintain mountain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

**General Plan Policy LU-19.4 (Consultation with State and Federal Agencies):** *The County shall continue to consult with applicable State and Federal regulatory agencies during project review and permitting activities.*

**Coastal Act Policy Section 30250(a):** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 4:** *Where possible for subdivision and undeveloped contiguous lots, construction and/or improvements of driveways/accessways which would increase access to the subject area or adjacent areas shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points off public routes and to reduce grading. At stream crossings, driveway access for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as feasible and follow natural contours.*

The proposed access road is not of located within the Scenic Resource Protection (SRP) Overlay Zone. However, the project site is located within the Santa Monica Mountains Overlay Zone. The Santa Monica Mountains consists of

rock outcroppings and sensitive habitats, such as riparian corridors, native chaparral, and oak woodlands. Permitted development is required to be sited and designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surroundings. As discussed in Section B, Item 6 (Scenic Resources) of the MND (Exhibit 4), the proposed access road in Ventura County is not visible from State Route 1 (Pacific Coast Highway) or Yerba Yerba Buena Road. The proposed access road is located at a lower elevation than Yellow Hill Road and hidden by natural topography. The Arroyo Sequit Park Trail (a National Recreation Trail) is located approximately 2.3 miles east of the project site, Yellow Hill Trail is located approximately one mile southwest of the project site, and the Nicholas Flat Trail is located approximately one mile south of the project site. At these distances and due to the steep terrain, public views of the proposed access road would likely not be visible. The proposed project does not include the construction of structures or lighting in Ventura County as the proposed single-family dwelling located within Los Angeles County. Therefore, there will be no significant degradation of visual resources or alteration of visual resources as viewed from public observation points.

On September 20, 2018, the Planning Division notified and requested comments from California State Coastal Conservancy, California State Park, General Services Agency, National Park Service – Santa Monica Mountains National Recreation Area, Santa Monica Mountains Conservancy, and Trust of Public Lands for comments regarding the proposed project. The MND was made available for public review from January 10, 2020 to February 10, 2020 and as of the date of this staff report, the Planning Division received comment letters from the CDFW the SMMC and the CCC. The proposed final MND, State agencies comment letters, and response to comments are attached as Exhibit 4.

The proposed project will be located within a rural, predominantly open space area of the Santa Monica Mountains. Lots to the north and to the west of the project site include open space, vacant land, and the lots to the south and east are located in Los Angeles County. The first 629-foot-long section of the access road begins south of Yellow Hill Road and will be paved with asphalt concrete followed by approximately 325 feet of driveway that will remain unimproved. The final 357-foot-section of road, up the Los Angeles County line, will be paved with asphalt concrete. Retaining walls would be constructed along the steeper sloped section of the driveway. Starting south of Yellow Hill Road there will be retaining walls that are approximately 274.3 feet and 168.8 feet in length, and no more than five feet at maximum height; a retaining wall approximately 75.8 feet in length and no more than eight feet at maximum height; and, the final portion of driveway that consists of two retaining walls located within Ventura County that are approximately 52.9 feet in length and 110.6 feet in length and no more than four feet at maximum height.



Roads in the Santa Monica Mountains area are rural in nature with widths, grades, and other road features that are considered substandard if such roads were designed today. These roads do not create substantial risk of injury when such roads are used with due care in a way that is reasonably foreseeable that they will be used. Yellow Hill road can support a minor amount of traffic associated with a new single-family dwelling to be located in Los Angeles County. The proposed project will be conditioned to include a Notice of Substandard Access Roads (NSSAR), which will require that the Applicant record an NSSAR (Exhibit 5, Condition No. 34). Finally, provided that the Planning Director approves the recommended conditions of approval and mitigations measures for the proposed project, the proposed project will be consistent with the ESHA resource protection policies of the Ventura County Local Coastal Program (Exhibit 5, Condition Nos. 21 through 26).

Access to Los Angeles County will be via private access easements located south of Yellow Hill Road, an existing public unpaved dirt road that meets the minimum access standards from the Ventura County Fire Protection District (VCFPD). As explained in Section A (above), the private access easements leading to Los Angeles County will be improved and partially paved. The access road would follow the natural contours of the hills. The access road will be required to meet the adopted Private Road Guidelines and Access Standards of VCFPD (Exhibit 5, Condition No. 39).

Based on the discussion above, the proposed project is consistent with General Plan Policies LU16.1, LU16.8, LU16.9, LU16.10, LU-19.4, Coastal Act Policy Section 30250(a) and Coastal Area Plan South Coast Santa Monica Mountains Policy 4.

## **Circulation, Transportation, and Mobility**

- 2. General Plan Policy CTM-1.1 (Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation):** *The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.*

**General Plan Policy CTM-1.3 (County Level of Service (LOS) Standards):** *The County shall maintain LOS standards for use as part of the County's transportation planning including the traffic impact mitigation fee program, and the County's review and consideration of proposed land use legislation and discretionary development. For purposes of County transportation planning and review and consideration of proposed land use legislation and discretionary development, the County shall use the following minimum acceptable Level of*

*Service (LOS) for road segment and intersection design standards within the Regional Road Network and all other County-maintained roadways:*

- a. LOS-'C' for all Federal functional classification of Minor Collector (MNC) and Local roadways (L); and*
- b. LOS-'D' for all Federal functional classifications except MNC and L, and Federal and State highways in the unincorporated area, except as otherwise provided in subparagraph (c and d);*
- c. LOS-'E' for State Route 33 between the northerly end of the Ojai Freeway and the city of Ojai, Santa Rosa Road, Moorpark Road north of Santa Rosa Road, State Route 34 north of the city of Camarillo, and State Route 118 between Santa Clara Avenue and the city of Moorpark;*
- d. LOS 'F' for Wendy Drive between Borchard Drive to Lois Avenue; and*
- e. The LOS prescribed by the applicable city for all Federal highways, State highways, city thoroughfares and city-maintained local roads located within that city, if the city has formally adopted and is implementing a General Plan policy, ordinance, or a reciprocal agreement with the County regarding development in the city that is intended to improve the LOS of County-maintained local roads and Federal and State highways located within the unincorporated area of the county.*
- f. At any intersection between two or more roads, each of which has a prescribed minimum acceptable LOS, the lower LOS of the roads shall be the minimum acceptable LOS for that intersection.*

**General Plan Policy CTM-1.7 (Pro Rata Share of Improvements):** *The County shall require discretionary development that would generate additional traffic pays its pro rata share of the cost of added vehicle trips and the costs of necessary improvements to the Regional Road Network pursuant to the County's Traffic Impact Mitigation Fee Ordinance.*

**General Plan Policy CTM-2.3 (County Road Access):** *The County shall require discretionary development with access onto a County road to have the access point(s) designed and built to County standards.*

**General Plan Policy CTM-2.28 (Emergency Access):** *The County shall ensure that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.*

The California Natural Resources Agency has adopted new CEQA Guidelines that require an analysis of vehicle miles traveled (VMT). VMT measure the per capita number of car trips generated by a project and distances cars will travel to and from a project, rather than congestion levels at intersections (level of service or "LOS" graded on a scale of A-F). Ventura County will only require LOS

analysis to determine consistency with the County General Plan policies. LOS will not be assessed for CEQA purposes.

Trip-or tour-based VMT analysis is recommended over the boundary-based VMT analysis as the established and most appropriate methodology for analyzing VMT impacts under CEQA. Trip-based assessment of VMT captures the full extent of the vehicle trip length, including the portion that extends beyond the jurisdictional boundary. VMT impacts are assessed by quantifying trips to or from a jurisdiction, which start or end within the jurisdiction. Conversely, a boundary-based assessment of VMT impacts is quantified by the length of the vehicle trips that occur within the boundaries of a jurisdiction.

The County is in the process of adopting formal threshold of significant under Senate Bill (SB) 743. The California Office of Planning and Research (OPR) recommends a per capital threshold set a 15 percent below baseline levels. For residential land uses, a project may have a significant transportation impact if it would result in VMT exceeding 8.21 miles average of all home-based trips. For rural land uses, OPR guidance states that fewer options may be available for reducing VMT for projects in rural areas outside of a metropolitan planning organization, and significance threshold may be best determined on a case-by-case basis. In lieu of formally adopted thresholds of significance, VMT thresholds consistent with OPR's final technical guidance for the analysis of transportation impacts under CEQA were applied in the analysis presented in the MND (Exhibit 4).

The proposed project's home-based trips will likely average one per day given the distance to employment centers and public services. Due to the minimal number of trips generated by the project, the addition of a single-family dwelling in a residential zone is not expected to result in a VMT impact consistent with the VMT reduction goals of the OPR's Technical advisory on Evaluating Transportation Impacts and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Roads in the Santa Monica Mountains area are rural in nature with widths, grades, and other road features that are considered substandard if such roads were designed and built today. These roads do not create a substantial risk of injury when such roads are used. Yerba Buena Road and Cotharin Road can support the minor amount of traffic associated with a new single-family dwelling. The proposed project will be conditions to include a Notice of Substandard Access Roads (NSSAR), which will require the Applicant to record an NSSAR (Exhibit 5, Condition No. 34).

The proposed access road will be required to meet the adopted Private Road Guidelines and Access Standards of the VCFPD, as identified in the Ventura County Initial Study Assessment Guidelines.

Based on the discussion above, the proposed project is consistent with General Plan Circulation, Transportation, and Mobility Policies CTM-1.1, CTM-1.3, CTM-1.7, CTM-2.3 and CTM-2.28.

### **Public Facilities, Services and Infrastructure**

- 3. General Plan Policy PFS-1.7 (Public Facilities, Services, and Infrastructure Availability):** *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

**General Plan Policy PFS-4.1 (Wastewater Connections Requirement):** *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

**General Plan Policy PFS-4.2 (Onsite Wastewater Treatment Systems):** *The County may allow the use of onsite wastewater treatment systems that meet the State Water Resources Control Board Onsite Wastewater Treatment System Policy, Ventura County Sewer Policy, Ventura County Building Code, and other applicable County standards and requirements.*

**General Plan Policy PFS-4.3 (Onsite Wastewater Treatment System Failure Repair):** *The County shall require landowners to repair or replace failing septic tanks, disposal area, and package systems that constitute a threat to water quality and public health.*

**General Plan Policy PFS-5.9 (Waste Reduction Practices for Discretionary Development):** *The County shall encourage applicants for discretionary development to employ practices that reduce the quantities of wastes generated and engage in recycling activities to further reduce the volume of waste disposed of in landfills.*

As stated in Section C.2 of this staff report (above), the proposed project involves the use of the County Regional Road Network. Fire Station 56 is located approximately 2.5 miles south of the project site, and given this distance the response time is adequate. With the implementation of the VCFPD conditions of approval no expansion of public facilities will be required (Exhibit 5, Conditions Nos. 38 through 45). Additionally, the proposed project is for the construction of a private driveway in Ventura County to access a proposed single-family dwelling located in Los Angeles County, immediately across the County line. The proposed project does not include the construction of a dwelling, water well or on-site wastewater treatment system (OWTS) in Ventura County.

Based on the discussion above, the proposed project is consistent with General Plan Public Facilities, Services, and Infrastructure Policies PFS-1.7, PFS-4.1, PFS-4.2, PFS-4.3 and PFS-5.9.

**General Plan Policy PFS-6.1 (Flood Control and Drainage Facilities Required for Discretionary Development):** *The County shall require discretionary development to provide flood control and drainage facilities, as deemed necessary by the County Public Works Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development. (RDR)*

**General Plan Policy PFS-6.5 (Stormwater Drainage Facilities):** *The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and convey runoff for flood protection and groundwater recharge.*

**General Plan Policy PFS-7.4 (Discretionary Development Utility Service Line Placement):** *The County shall require discretionary development to place new utility service lines underground if feasible. If undergrounding is determined by the County to be infeasible, then new utility service lines shall be placed in parallel to existing utility rights-of-way, if they exist, or sited to minimize their visual impact.*

The proposed project will incorporate drainage improvements, including culverts and ribbon drains, to direct stormwater runoff back into the natural drainages. The proposed project will require a grading permit, indicating drainage improvements (Exhibit 5, Condition Nos. 32 and 33). Additionally, the proposed project will be subject to conditions of approval to meet the requirements of the Public Works Agency and Building and Safety Division to submit plans to control runoff and ensure slope stability (Exhibit 5, Condition Nos. 32 and 33). The proposed project does not involve the construction of single-family dwelling, water well or OWTS in Ventura County.

As discussed in Section B, Item 30 (Utilities), of the MND (Exhibit 4), the proposed project includes the construction of a private access road in Ventura County to access a proposed single-family dwelling located across the County line in Los Angeles County. As stated in Section A (above), access easements have been granted for road and utility purposes. If the new single-family dwelling in Los Angeles County needs to connect to utilities in Ventura County, any utilities would be required to be placed underground, below the proposed access road (Exhibit 5, Condition No. 31).

Based on the discussion above, the proposed project is consistent with General Plan Public Facilities, Services, and Infrastructure Policies PFS-6.1, PFS-6.5 and FPS-7.4.

**General Plan Policy PFS-11.4 (Emergency Vehicles Access):** *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

As stated in Section A (above), access easements have been granted for road and utility purposes. The proposed driveway will be required to meet the adopted Private Road Guidelines and Access Standards of the VCFPD. The VCFPD has provided conditions of approval to ensure adequate access and fire hazard clearance and to ensure that the proposed project is in conformance with current State law and the VCFPD standards (Exhibit 5, Condition Nos. 37 through 44).

Based on the discussion above, the proposed project is consistent with General Plan Policy PFS-11.4.

**General Plan Policy PFS-12.3 (Adequate Water Supply, Access, and Response Times for Firefighting Purposes):** *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes. (RDR)*

**General Plan Policy PFS-12.4 (Consistent Fire Protection Standards for New Development):** *The County, in coordination with local water agencies and the Fire Protection District, shall require new discretionary development to comply with applicable standards for fire flows and fire protection.*

Fire Station 56 is located approximately 2.5 miles south of the project site. The proposed project includes a proposed driveway and does not include construction of any structures in Ventura County; and, with the implementation of the VCFPD conditions of approval (Exhibit 5, Conditions 38 through 45), adequate fire protection will be provided.

Based on the discussion above, the proposed project is consistent with General Plan Policy PFS-12.4.

## **Conservation and Open Space**

- 4. General Plan Policy COS-1.1 (Protection of Sensitive Biological Resources):** *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and*

*compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

**General Plan Policy COS-1.4 (Consideration of Impacts to Wildlife Movement):** *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

**General Plan Policy COS-9.1 (Open Space Preservation):** The County shall preserve natural open space resources through:

- *the concentration of development in Urban Areas and Existing Communities;*
- *use of cluster or compact development techniques in discretionary development adjacent to natural open space resources;*
- *maintaining large lot sizes in agricultural areas, rural and open space areas;*
- *discouraging conversion of lands currently used for agricultural production or grazing;*
- *limiting development in areas constrained by natural hazards; and*
- *encouraging agricultural and ranching interests to maintain natural habitat in open space*
- *areas where the terrain or soil is not conducive to agricultural production or grazing.*

**Coastal Act Policy Section 30231:** *"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference of ground water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."*

**Coastal Act Policy Section 30240:**

a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 1:** *New development, including all private and public recreational uses, shall preserve all unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 3:** *All new upland development shall be sited and designed to avoid adverse impacts on sensitive environmental habitats.*

- *In cases where sensitive environmental habitats are located on a project site where the impacts of development are mitigated consistent with the Plan, the County shall assure that all habitat areas are permanently maintained in open space through an easement or other appropriate means.*
- *When such impacts of development would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or non-profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.*

An ISBA (dated March 30, 2014, revised August 17, 2018) was prepared by Werner Biological Consulting (Exhibit 4, Attachment 2 of the MND) and additional site surveys were conducted by Werner Consulting on April 27, 2018, May 6, 2018, May 9, 2018 and June 18, 2018.

The ISBA did not yield any confirmed presence of Federal or State listed endangered threatened, or California Rare Plant Rank (CRPR) ranked plant species, with the exception of one California Native Plant Society (CNPS) ranked species, Plummer's mariposa lily (*Colochortus plummerae*), located on the southeast corner of the Los Angeles County lot (APN 4472-016-044). Plummer's mariposa lily is also considered a Locally Important Species (LIS) by Ventura. As discussed in Section B of this staff report (above), potentially significant, but mitigable, impacts on biological resources were identified for plant and animal species, sensitive plant communities, and ESHA. The Applicant has agreed to



mitigation measures (including the monitoring component), which will reduce the impacts to less-than-significant levels. Mitigation Measures BIO-1 through BIO-6 have been identified and incorporated into the proposed project as conditions of approval (Exhibit 5, Condition Nos. 21 through 26).

Mitigation Measure BIO-1 requires preconstruction surveys and, if necessary, relocation of special-status wildlife. Mitigation Measure BIO-2 requires preconstruction surveys for suitable habitat for woodrats in areas subject to land clearing activities and within a 50-foot buffer. If woodrat nests are found during peak nesting season (February 1 through May 31), the Permittee shall implement a 50-foot radius buffer area around the nest and land clearing activities will be postponed until the end of peak nesting season, in order to protect the nest. If woodrat nests are found outside of the peak nesting season, a County-approved biological consultant shall relocate the nest in accordance with the requirements set forth in the conditions of approval. (Exhibit 5, Condition No. 22).

Mitigation Measure BIO-3 requires installation of temporary exclusionary fencing along the edge of the development envelope (including the fuel modification zone) during construction of the proposed project to avoid impacts to adjoining ESHA. Sensitive plant communities also have the potential to be indirectly impacted by the introduction of invasive species. The introduction and proliferation of invasive plants is a potentially significant impact; however, impacts will be mitigated to a less-than-significant level by implementing Mitigation Measure BIO-4, which will prohibit the use of invasive plants and seeds in a landscape plan and erosion control mix.

On September 20, 2018, the Planning Division notified and requested comments from California State Coastal Conservancy, California State Park, General Services Agency, National Park Service – Santa Monica Mountains National Recreation Area, Santa Monica Mountains Conservancy, Trust of Public Lands for comments regarding the proposed project. The MND was made available for public review from January 10, 2020 to February 10, 2020 and as of the date of this staff report, the Ventura County Planning Division received comment letters from the CDFW, the SMMC and the CCC. The proposed final MND, State agencies comment letters, and response to comments are attached as Exhibit 4.

Permanent impacts to ESHA habitat from the proposed development, unpermitted clearing and required 10-foot road buffer fuel modification zone is estimated to be a total of 2.32 acres. The permanent loss of 2.32 acres of sensitive plant communities that constitute ESHA is considered a significant impact. Therefore, to compensate for the loss of ESHA, Mitigation Measure BIO-5 will require the Permittee to enhance, restore, establish, and preserve ESHA at a 2:1 mitigation-to-impact ratio (4.64 acres of mitigation to offset 2.32 acres of ESHA). In addition, all on-site ESHA will be permanently protected in perpetuity through a conservation easement or deed restriction, in accordance with Coastal Area Plan South Coast Santa Monica Mountains Policy F3.

ESHA adjacent to the fuel modification zone has the potential to be indirectly impacted by the introduction of invasive species inadvertently transported into the area from anthropogenic activities; however, with the implementation of Mitigation Measure BIO-6, which requires the Applicant to provide a Fuel Modification Plan to specify the methods of modifying the vegetation surrounding structures to avoid impacts to ESHA, impacts would be mitigated to less than significant.

As stated in the MND for the proposed project (Exhibit 4, ISBA dated August 2018), there are no potential jurisdictional waters (including wetlands) present within 500 feet of the proposed road in Ventura County. As such, there are no impacts to jurisdictional waters (including wetlands).

As stated in a letter by Werner Biological Consulting (dated March 17, 2020) during the 2018 surveys conducted for the ISBA the canyon drainages located downslope of the access road appeared to terminate below the road without continuation of any stream course above the road. Further examination indicated that the upper end of two or three pre-existing ephemeral drainages were likely filled in 1972 to support the road. Based on a site visit on March 11, 2020 during a series of winter storms, biologist Scott Werner concluded that these ephemeral drainages were largely disconnected from storm flow by the fill that resulted from the construction of the existing unpaved access road and a pad.

The proposed project will incorporate drainage improvements including culverts and ribbon drains to direct stormwater runoff back into the natural drainages. The proposed project will require a grading permit, including drainage improvements (Exhibit 5, Condition Nos. 32 and 33). The proposed project does not involve the construction of single-family dwelling, water well or OWTS in Ventura County.

Based on the discussion above, the proposed project is consistent with General Plan Conservation and Open Space Policies COS-1.1, COS-1.4, COS-9.1, Coastal Act Policy Sections 30231 and 30240 and Coastal Area Plan South Coast Santa Monica Mountains Policies 1 and 3.

- 5. General Plan Policy COS-1.6 (Discretionary Development on Hillsides and Slopes):** *The County shall require discretionary development on hillsides and slopes, which have an average natural slope of 20 percent or greater in the area where the proposed development would occur, to be sited and designed in a manner that will minimize grading, alteration of natural land forms, and vegetation removal to avoid significant impacts to sensitive biological resources to the extent feasible.*

The proposed project will require a cut of 604 cubic yards, 64 cubic yards of fill and 540 cubic yards of export. The road has been sited in the previously disturbed area located within the unpaved access easements. This is the most

suitable location for the road since it follows the natural contours of the land, and a new location will require additional removal of undisturbed ESHA. The existing road will be improved and stabilized by incorporating asphalt concrete, retaining walls and drainage features. The grading plans have been designed to minimize cut and fill operations. Considering the slope and natural terrain, relocating the road would require a considerable increase in cut and fill operations. An alternate site would have direct impact to biological resources, including impacts to ESHA and drainage patterns. The proposed project has been designed to minimize impacts and alteration of physical features and processes of the project site (i.e., geological, soils, hydrological, water percolation and runoff) by incorporating the installation of several culverts and ribbon drains to direct stormwater runoff back into the natural drainages while preserving the integrity of the road. Additionally, the proposed project will be subject to a condition of approval prohibiting clearing of land during the winter rainy season (November 15 – April 15) (Exhibit 5, Condition No. 30).

Based on the discussion above, the proposed project is consistent with General Plan Policy COS 1.6.

- 6. General Plan Policy COS-1.9 (Agency Consultation Regarding Biological Resources):** *The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.*

As discussed in Section C.1 (above) on September 20, 2018 the Planning Division notified and requested comments from California State Coastal Conservancy, California State Park, General Services Agency, National Park Service – Santa Monica Mountains National Recreation Area, Santa Monica Mountains Conservancy, Trust of Public Lands for comments regarding the proposed project. The MND was made available for public review from January 10, 2020 to February 10, 2020 and as of the date of this staff report, the Ventura County Planning Division received comment letters from the CDFW, the SMMC and the CCC. The proposed final MND, State agencies comment letters, and response to comments are attached as Exhibit 4.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS 1.9.

- 7. General Plan Policy COS-1.12 (Discretionary Development and Landscaping):** *The County shall require landscaping associated with discretionary development, or subject to the California Water Efficient Landscape*

*Ordinance (WELo), to be water-efficient and include native, pollinator-friendly plants consistent with WELo guidelines, as applicable. The planting of invasive and watch list plants as inventoried by the California Invasive Plant Council shall be prohibited, unless planted as a commercial agricultural crop or grown as commercial nursery stock.*

The proposed project will be subject to a condition of approval to require the Applicant to submit a landscape plan that complies with the Ventura County Landscape Design Criteria (1992), which replaced the County's Guide to Landscape Plans (1988), and the State Water Efficient Landscape Ordinance (WELo) (Exhibit 5, Condition No. 18). The landscape and fuel modification plans prepared for the proposed project are required to include water conservation measures and a prohibition on planting invasive species (Exhibit 5, Condition Nos. 24 and 26).

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-1.12.

- 8. General Plan Policy COS-3.1 (Scenic Roadways):** *The County shall protect the visual character of scenic resources visible from State or County designated scenic roadways.*

**General Plan Policy COS-3.5 (Ridgeline and Hilltop Preservation):** *The County shall ensure that ridgelines and major hilltops remain undeveloped and that discretionary development is sited and designed to remain below significant ridgelines, except as required for communication or similar facilities.*

**Coastal Act Policy Section 30251:** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 7:** *New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 8:** *Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available and shall not be sited on the crest of major ridgelines.*

The proposed access road is not located within the SRP Overlay Zone. However, the project site is located within the Santa Monica Mountains Overlay Zone. The Santa Monica consists of rock outcroppings and sensitive habitats, such as riparian corridors, native chaparral, and oak woodlands. Permitted development is required to be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surroundings. As discussed in Section B, Item 6 (Scenic Resources) of the MND (Exhibit 4), the proposed access road in Ventura County is not visible from State Route 1 (Pacific Coast Highway) or Yerba Buena Road. The proposed access road is at a lower elevation and hidden by natural topography. The Arroyo Sequit Park Trail (a National Recreation Trail) is located approximately 2.3 miles east of the project site, Yellow Hill Trail is located approximately 1 mile southwest of the project site, and the Nicholas Flat Trail is located approximately 1 mile south of the project site. At these distances and due to the steep terrain, public views of the access road would likely not be visible. The proposed project does not include the construction of structures or lighting in Ventura County; therefore, there would be no significant degradation of visual resources or alteration of visual resources as viewed from public observation points.

Based on the discussion above, the project is consistent with General Plan Policy COS-3.1, COS-3.5, Coastal Act Policy Section 30251, and Coastal Area Plan South Coast Santa Monica Mountains Policies 7 and 8.

- 9. Coastal Area Plan South Coast Recreation Policy 8:** *Development shall neither preclude continued use of, or preempt the option of establishing inland recreational trails along identified routes, as indicated in the Santa Monica Mountains Comprehensive Plan (1979), and the Coastal Slope Trail as proposed in the U.S. Department of the Interior's Santa Monica Mountains Draft Environmental Impact Statement and General Management Plan (September 1980), or along routes established by custom to destinations of public recreation significance. An offer-of-dedication or a deed restriction of a trail right-of-way shall be required as a condition of approval on property crossed by such trail routes.*

**Coastal Area Plan South Coast Recreation Policy 12:** *Before a permit for development of any shoreline or inland parcel is approved, its suitability for public recreational use shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or non-profit organization, including the National Park Service, Santa Monica Mountains Conservancy, Coastal Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any part of the subject property, specifically*

*authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application or permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.*

As discussed in Section C.1 of this staff report (above), on September 20, 2018, the Planning Division notified and requested comments from California State Coastal Conservancy, California State Park, General Services Agency, National Park Service – Santa Monica Mountains National Recreation Area, Santa Monica Mountains Conservancy, Trust of Public Lands for comments regarding the proposed project. The MND was made available for public review from January 10, 2020 to February 10, 2020 and as of the date of this staff report, the Ventura County Planning Division received comment letters from the CDFW, the SMMC and the CCC. The proposed final MND, State agencies comment letters, and response to comments are attached as Exhibit 4.

Based on the discussion above, the project is consistent with Coastal Area Plan South Coast Recreation Policies 8 and 12.

**10. General Plan Policy COS-4.2(a) (Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation):** *The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county.*

**General Plan Policy COS-4.2(b) (Cooperation for Tribal Cultural Resource Preservation):** *For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.*

**General Plan Policy COS-4.4 (Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation):** *The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

**Coastal Act Section 30244:** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

**Coastal Area Plan South Coast Archaeology Policy 1:** *Based upon the location of the proposed project, Public Works may require the following work as a permit condition:*

- a. High sensitivity area – Field survey and test pits required.*
- b. Medium to high sensitivity area – Field survey required.*
- c. Moderate to negligible – No field work necessary.*

*For projects in an area (a) or (b), the applicant will have a qualified archaeologist assess the development impacts and cultural significance of the site. As may be appropriate, the Northridge Archaeological Research Center at Cal State Northridge should be contacted for a Native American approved Monitor to observe and aide the work during excavation of auger holes, test pits, trenches or exposures (Appendix 2).*

**Coastal Area Plan South Coast Archaeology Policy 2:** *Human burials should not be removed from the ground without specific authorization, and under the direction of Native American Monitors or Native American approved archaeologists.*

**Coastal Area Plan South Coast Archaeology Policy 3:** *Where significant archaeological resources have been identified on a site, a qualified archaeologist will be present, at the applicant's expense, during all excavating, grading and other earth-moving activities.*

**Coastal Area Plan South Coast Archaeology Policy 4:** *Location of all coastal zone archaeological sites will be kept confidential to avert disturbance or destruction.*

**Coastal Area Plan South Coast Archaeology Policy 5:** *Archaeological, historical, and ethnobotanical interpretation of native peoples in Ventura County should be incorporated into existing and future interpretive programs at public recreation areas.*

**Coastal Area Plan South Coast Archaeology Policy 6:** *Credentials of the qualified archaeologist who performs the applicant's study will be presented with the rest of the information required.*

**Coastal Area Plan South Coast Archaeology Policy 7:** *Where new development would adversely impact archaeological resources, reasonable mitigation measures will be required. Such measures may involve covering the site, moving the structure(s) to another site on the parcel, or not constructing on*

*the site, depending on the severity of the impacts and the significance of the resources.*

**Coastal Area Plan South Coast Archaeology Policy 8:** *If previously unknown resources are discovered after construction starts, all work shall cease and the Public Works Agency shall be notified. After review of the site by the Agency, or other qualified personnel, additional reasonable mitigation measures may be required.*

**Coastal Area Plan South Coast Paleontology Policy 1:** *Based upon the location of a proposed project on the Paleontological Map Series of the Planning Division's Unified Mapping System, paleontological resources will be a consideration in the environmental review process.*

**Coastal Area Plan South Coast Paleontology Policy 2:** *Significant fossil discoveries on a site will be reported to the Los Angeles County Museum of Natural History or to appropriate scientists to ensure preservation of the information they may yield.*

**Coastal Area Plan South Coast Paleontology Policy 3:** *During the environmental review process, utilize the Initial Study Assessment Guidelines adopted by the County of Ventura.*

**Coastal Area Plan South Coast Paleontology Policy 4:** *Fossil discoveries should also be reported to the County Cultural Heritage Board to ensure maintenance of the information in Ventura County.*

**Coastal Area Plan South Coast Paleontology Policy 5:** *Where new development would adversely impact paleontological resources, reasonable mitigation measures will be required. Such measures may involve covering the site, moving the structure(s) to another site on the parcel, or not constructing on the site, depending on the severity of the impacts and the significance of the resources.*

**Coastal Area Plan South Coast Paleontology Policy 6:** *If previously unknown resources are discovered after construction starts, all work shall cease and the Public Works Agency shall be notified. After review of the site by the Agency, or other qualified personnel, additional reasonable mitigation measures may be required.*

As discussed in Section B, Item 8A (Cultural Resources-Archaeological), of the MND (Exhibit 4), a Phase I Archaeological Resource Survey and Impact Evaluation was prepared by archaeologist, Dr. Brandon S. Lewis, on March 10, 2014, to investigate the existence of historical and cultural resources on the project site. The study included a cultural resource records search of the California Historical Resources Information Systems (CHRIS) at the South-



Central Coastal Information Center (SCCIC) at California State University, Fullerton, and an intensive field survey for the project site.

CHRIS records search indicated that no previous recorded archaeological sites exists within the project boundaries. A total of eight field surveys (Cultural Resources Investigations) have been conducted and indicated that no archaeological sites have been recorded within a half-mile radius of the project site. A Phase I Assessment of the project site was conducted on March 2, 2014, no cultural resources were identified during the site survey.

Pursuant to Public Resources Code Section 21080.3.1 et seq., on May 23, 2019, a formal request [in accordance with Assembly Bill (AB) 52] was sent to Native American representatives for consultation regarding the proposed project's potential impact to tribal coastal resources. As of the date of this staff report, no written comments have been provided to the Planning Division.

Based on the result of the Phase I Assessment, no significant archaeological resources exist in the areas proposed for development, and no additional archaeological consideration or work would be required for the proposed project. Although the proposed project is unlikely to result in impacts to archaeological resources, future ground disturbance activities will be subject to conditions of approval to ensure the protection of any archaeological and paleontological subsurface resources, if they are inadvertently encountered during ground disturbance activities (Exhibit 5, Condition Nos. 27 and 28).

Based on the discussion above, the proposed project is consistent with General Plan Conservation and Open Space Policies COS-4.2(a), COS-4.2(b), COS-4.4, Coastal Act Policy Section 30244, Coastal Area Plan South Coast Archaeology Policies 1 through 8, and Coastal Area Plan South Coast Paleontology Policies 1 through 6.

## **Hazard and Safety Element**

- 11. General Plan Policy HAZ-1.1 (Fire Prevention Design and Practices):** *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

**General Plan Policy HAZ-1.2 (Defensible Space Clear Zones):** *The County shall require adherence to defensible space standards, or vegetation "clear zones," for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

**General Plan HAZ-1.4 (Development in High Fire Hazard Severity Zones and Hazardous Fire Areas):** *The County shall require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection (CAL FIRE).*

Fire Station 56 is located at 11855 Pacific Coast Highway in Malibu approximately 2.5 miles south of the project site. The proposed project will comply with all applicable Federal and State regulations and the requirements of the Ventura County Building Code and Ventura County Fire Code. The proposed project will be subject to conditions of approval to ensure the project is in conformance with current State Law and Ventura County Fire Code. (Exhibit 5, Conditions Nos. 38 through 45).

Based on the discussion above, the proposed project is consistent with General Plan Policies Hazards and Safety Element Policies HAZ-1.1, HAZ-1.2 and HAZ-1.4.

**12. General Plan Policy HAZ-4.1 (Projects in Earthquake Fault Zones):** *The County shall prohibit new structures for human occupancy and subdivisions that contemplate the eventual construction of structures for human occupancy in Earthquake Fault Zones unless a geologic investigation is performed to delineate any hazard of surface fault rupture and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

**General Plan Policy HAZ-4.3 (Structural Design):** *The County shall require that all structures designed for human occupancy incorporate engineering measures to reduce the risk of and mitigate against collapse from ground shaking.*

As discussed in Section B, Item 10 (Fault Rupture Hazard) of the MND (Exhibit 4), there are no known active or potentially active faults extending through the proposed project based on State of California Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act and the Ventura County General Plan Hazards Appendix – Figure 2.2.3b. Furthermore, no habitable structures are proposed within 50 feet of a mapped trace of an active fault.

Based on the discussion above, the proposed project is consistent with General Plan Policies Hazards and Safety Element Policies HAZ-4.1 and HAZ-4.3.

**13. General Plan Policy HAZ-4.5 (Soil Erosion and Pollution Prevention):** *The County shall require discretionary development be designed to prevent soil erosion and downstream sedimentation and pollution.*

**General Plan Policy HAZ-4.6 (Vegetative Resource Protection):** *The County shall require discretionary development to minimize the removal of vegetation to protect against soil erosion, rockslides, and landslides.*

**General Plan Policy HAZ-4.7 (Temporary Revegetation on Graded Areas):** *The County shall require, as necessary, the use of soil stabilization methods on graded areas to reduce the potential for erosion, particularly during the construction phase.*

**General Plan Policy HAZ-4.8 (Seismic Hazards):** *The County shall not allow development of habitable structures or hazardous materials storage facilities within areas prone to the effects of strong ground shaking, such as liquefaction, landslides, or other ground failures, unless a geotechnical engineering investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

**General Plan Policy HAZ-4.9 (Slope Development):** *The County shall require geotechnical reports that demonstrate adequate slope stability and construction methods for building and road construction on slopes greater than 50 percent pursuant to the California Building Code Appendix J Section 108.6.*

**Coastal Act Policy Section 30253:** *New development shall:*

(1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazards.*

(2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

**Coastal Area Plan South Coast Hazards Policy 2:** *New development shall be suited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.*

**Coastal Area Plan South Coast Hazards Policy 3:** *All new development will be evaluated for its impacts to, and from, geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation shall be required where necessary.*

**Coastal Area Plan South Coast Hazards Policy 4:** *The County may require the preparation of a geologic report at the applicant's expense. Such report shall include feasible mitigation measures which will be used in the proposed development.*

As discussed in Section B of this staff report, and items 10, 11, 12, 14 and 15 of the MND (Exhibit 4), the project site is located in a hillside area of the Santa Monica Mountains in the unincorporated area of Ventura County. There are mapped landslides within the property and beneath a portion of the proposed access road. Based on analysis conducted by the California Geological Survey as part of California Seismic Hazards Mapping Act (1991, Public Resources Code Sections 2690-2699.6), portions of the property are located in a potentially seismic induced landslide Zone. The updated Geological and Soils Engineering Report (prepared by Subsurface Design, Inc., dated February 8, 2018) indicated that there has been no significant movement of this lands based on aerial photographs dated between 1952 and 2018. The hazards from landslides or mudslides will affect each project individually, and no cumulative landslides will occur as a result of the approved proposed, or probably projects.

The proposed project will require a grading permit that will include drainage features, and no irrigation or septic system are proposed. The proposed project will improve the road with 985 linear feet of asphalt concrete and with retaining walls along the steeper sloped sections of the road. The construction of the paved road will result in an increase of impervious area of approximately 0.3 acres. No increase in flooding hazard or potential for erosion or siltation will occur as a result of the new access road considering the size of the subject properties (4 acres, 39 acres, and 32 acres) relative to the size of the project site. The improved access road will lead to the site of the new dwelling in Los Angeles County. As proposed, the project in Los Angeles will include a Fire Department turn around. The required grading permit and building permits for retaining walls will ensure stability and structural integrity of the access road (Exhibit 5, Condition No. 32).

Based on the discussion above, the proposed project is consistent with General Plan Policies Hazards and Safety Element Policies HAZ-4.5, HAZ-4.6, HAZ-4.7, Coastal Act Policy Section 30253, and Coastal Area Plan South Coast Hazards Policies 2, 3, and 4.

**14. General Plan Policy HAZ-4.12 (Slope Drainage):** *Drainage plans that direct runoff and drainage away from slopes shall be required for construction in hillside areas.*

**General Plan Policy HAZ-4.13 (Design for Expansive Soils):** *The County shall not allow habitable structures or individual sewage disposal systems to be placed on or in expansive soils unless suitable and appropriate safeguards are incorporated into the project design to prevent adverse effects*

The proposed project will incorporate drainage improvements, including culverts and ribbon drains, to direct stormwater runoff back into the natural drainages. The proposed project will require a grading permit and drainage plan that will include drainage improvements (Exhibit 5, Condition Nos. 32 and 33). The

grading permit will ensure all grading complies with Appendix J of the Ventura County Building Code and the drainage plan will ensure that runoff is discharged in accordance with the standards of Ventura County Building Code, Ventura County Public Work Agency, Watershed Protections District, and Federal and State standards. The proposed project does not involve the construction of habitable structures or individual sewage disposal systems.

Based on the discussion above, the proposed project is consistent with General Plan Policies Hazards and Safety Element Policies HAZ-4.12 and HAZ-4.13.

**15. General Plan Policy HAZ-9.2 (Noise Compatibility Standards):** *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

1. *New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
2. *New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)*
3. *New noise sensitive uses proposed to be located near airports:*
  - a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
  - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*
  - a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
  - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
  - c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

5. *Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).*

**General Plan Policy HAZ-9.5 (Site and Building Design):** *The County shall require discretionary development and County-initiated projects to comply with adopted noise standards through proper site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction. The County shall only consider sound walls if noise mitigation measures have been evaluated or integrated into the project and found infeasible.*

The proposed project is located approximately two miles north from State Route 1 (Pacific Coast Highway) and is outside the CNEL 60dB(A) noise contour (RMA GIS Viewer, Noise Contour Maps, 2021). The proposed residential use, which will be located in Los Angeles County, is a noise sensitive use. However, the project site is not located in close proximity to highways, truck routes, heavy industrial activities, or other relatively continuous noise sources, railroads, or airports, such that future residents would be subject to unacceptable noise levels.

Although construction is unlikely to generate excessive ground-borne vibration or ground-borne noise levels, the proposed project will be subject to a construction noise condition to ensure that development of the proposed project complies with the requirements of the *Ventura County Construction Noise Threshold Criteria and Control Plan*, to limit noise-generated activities to the days and times when construction noise is less likely to adversely affect surrounding residential uses (Exhibit 5, Condition No. 29).

Based on the discussion above, the proposed project is consistent with General Plan Policies Hazards and Safety Element Policies HAZ-9.2 and HAZ-9.5.

16. **General Plan Policy HAZ-10.2 (Air Quality Management Plan Consistency):** *The County shall prohibit discretionary development that is inconsistent with the most recent adopted Air Quality Management Plan (AQMP), unless the Board of Supervisors adopts a statement of overriding considerations.*

**General Plan Policy HAZ-10.3 (Air Pollution Control District Rule and Permit Compliance):** *The County shall ensure that discretionary development subject to Ventura County Air Pollution Control District (VCAPCD) permit authority complies with all applicable APCD rules and permit requirements, including the use of Best Available Control Technology (BACT) as determined by the VCAPCD.*

**General Plan Policy HAZ-10.14 (Fugitive Dust Best Management Practices):** *The County shall ensure that discretionary development which will generate fugitive dust emissions during construction activities will, to the extent feasible,*

*incorporate appropriate BMPs to reduce emissions to be less than applicable thresholds.*

As discussed in Section B, Item 1 (Air Quality) in the MND prepared for the proposed project (Exhibit 4), the proposed project's individual impacts and contribution to the cumulative impacts on air quality were evaluated in compliance with CEQA. The Ventura County Air Pollution Control District (VCAPCD) evaluated the proposed project's air quality impacts using the Ventura County Air Quality Assessment Guidelines. Based on the analysis prepared by VCAPCD, the proposed project's air quality impact will be below the 25 pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the Ventura County Air Quality Assessment Guidelines. Although the proposed project is not expected to result in any significant local air quality impacts, the VCAPCD has recommended conditions of approval to ensure fugitive dust, particulate matter and construction equipment emission are minimized (Exhibit 5, Conditions No. 37).

Based on the discussion above, the proposed project is consistent with General Plan Policies Hazards and Safety Element Policies HAZ-10.2, HAZ-10.3 and HAZ-10.14.

## **Water Resources**

- 17. General Plan Policy WR-1.2 (Watershed Planning):** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

**General Plan Policy WR-1.11 (Adequate Water for Discretionary Development):** *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

**General Plan Policy WR-1.12 (Water Quality Protection for Discretionary Development):** *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

**General Plan Policy WR-2.2 (Water Quality Protection for Discretionary Development):** *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste, and other contaminants into surface runoff, drainage systems, surface water bodies,*

*and groundwater. In addition, the County shall evaluate the potential for discretionary development to limit or otherwise impair later reuse or reclamation of wastewater or stormwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

**General Plan Policy WR-3.1 (Non-Potable Water Use):** *The County shall encourage the use of non-potable water, such as tertiary treated wastewater and household graywater, for industrial, agricultural, environmental, and landscaping needs consistent with appropriate regulations.*

**General Plan Policy WR-3.2 (Water Use Efficiency for Discretionary Development):** *The County shall require the use of water conservation techniques for discretionary development, as appropriate. Such techniques include low-flow plumbing fixtures in new construction that meet or exceed the California Plumbing Code, use of graywater or reclaimed water for landscaping, retention of stormwater runoff for direct use and/or groundwater recharge, and landscape water efficiency standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.*

**General Plan Policy WR-3.3 (Low-Impact Development):** *The County shall require discretionary development to incorporate low impact development design features and best management practices, including integration of stormwater capture facilities, consistent with County's Stormwater Permit.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 5:** *Development dependent upon a water well shall be approved only if such well would not either individually or cumulatively cause adverse impacts on affected riparian areas or other coastal resources. This policy shall be implemented as data becomes available through the County CEQA process and other review procedures.*

Water for the single-family Dwelling proposed in Los Angeles County will be provided by an on-site water well, and an on-site septic system will provide sewage disposal, both of which must be approved by Los Angeles County. The proposed water well will be located approximately 50 feet away from the Ventura County line and will not be located near any other wells. The nearest well in Ventura County is located more than 1,400 linear feet to the northwest and upslope. Based on the limited well production output in this vicinity, future net individual and cumulative ground water extractions are considered to have less-than-significant impacts to ground water quantity.

Neither the individual project, nor the cumulative threshold for significance for water quality, would be exceeded, and the proposed access road is expected to have less-than-significant impacts related to water quality. There is an increase



in impervious area proposed for the project; however, compared to the large undeveloped parcel within Ventura County (39 acres and 32 acres, respectively), coupled with good absorption rate of area soils, any potential loss of recharge impact will be less than significant.

Additionally, the proposed project must comply with the requirements of the applicable Ventura Countywide National Pollutant Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer System (MS4) Permit Nos. CAS004002 and CAS000002. The applicant must submit documentation detailing enhanced best management practices (BMP) to be implemented during all ground disturbing activities (Exhibit 5, Condition Nos. 35 and 36).

The proposed project includes the construction of a new private access road in Ventura County to access a proposed single-family dwelling immediately across County line in Los Angeles County. Sewer service is not available in the area, the proposed single-family dwelling will require the installation a new septic system for disposal of effluent. Construction of the septic system will be subject to the Los Angeles County Environmental Health Division regulations and will be required to meet the requirements of the California State Water Resources Control Board (SWRCB).

As discussed in Section C.4 of this staff report (above), the proposed project will be subject to a condition of approval to require the Applicant to submit a landscape plan (Exhibit 5, Condition No. 18).

Based on the discussion above, the proposed project is consistent with General Plan Water Resources Policies WR-1.2, WR-1.11, WR-1.12, WR-2.2, WR-3.1, WR-3.2, WR-3.3, and Coastal Area Plan South Coast Santa Monica Mountains Policy 5.

**18. Coastal Area Plan South Coast Hazards Policy 8:** *A landscaping plan for fire and erosion control will be submitted for any new development located in extreme fire hazard areas as shown in the County's Hazard Appendix Fire Hazard Map. As many native plants are feasible should be used, and information on kinds and sources of these plants are available through the County.*

Fire Station 56, located at 11855 Pacific Coast Highway in Malibu, is approximately 2.5 miles south of the project site. The proposed project will not require the construction of a new fire station or additional equipment. The proposed project is located within the High Fire Hazard Area/Fire Severity Zone or Hazardous Watershed Fire Area. The proposed project will comply with all applicable Federal and State regulations and the requirements of the Ventura County Building (2016) and the Ventura County Fire Code. The proposed project will be subject to conditions of approval to ensure the project is in conformance

with current California State law and Ventura County Fire Code.<sup>2</sup> In addition, the VCFPD has provided conditions of approval to ensure that the project is in conformance with current Ventura County Fire Protection District Ordinance and the Ventura County Building Code (Exhibit 5, Condition Nos. 38 through 45).

ESHA located adjacent to the fuel modification zone has the potential to be indirectly impacted by the introduction of invasive species inadvertently transported into the area from anthropogenic activities. Sensitive communities adjacent to the fuel modification zone also have the potential to be indirectly impacted by the introduction of proliferation of invasive plants. To mitigate potentially significant impacts to ESHA and ESHA buffers from landscaping and maintenance within the fuel modification zone, Mitigation Measure BIO-6 requires the Applicant to submit a Fuel Modification Plan for controlling and eradicating any non-native plants within the fuel modification zone (Exhibit 5, Condition No. 26). The Fuel Modification Plan shall specify the plants and seeds to be included that are indigenous to the Santa Monica Mountains. The native plants and seeds used in the fuel modification zone shall be reviewed and approved by the Ventura County staff biologist and VCFPD, so as not pose a flammability risk within the fuel modification zone.

Based on the discussion above, the proposed project is consistent with Coastal Area Plan South Coast Hazards Policy 8.

**19. Coastal Area Plan Public Works Policy 3:** *New development in the Santa Monica Mountains should be self-sufficient with respect to sanitation and water and should not require the extension of growth inducing services. Development outside of the established "Existing Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water, etc.) into an open space area. The County shall make the finding for each individual development requiring sanitary facilities and potable water that said private services will be able to adequately serve the development over its normal lifespan.*

The proposed project includes the construction of an access road and does not include the construction of a single-family dwelling in Ventura County. Access to the single-family dwelling in Los Angeles County will be via Yellow Hill Road with the creation of the new private access road. Therefore, the proposed project will not require public improvements and services.

Based on the discussion above, the proposed project is consistent with Coastal Area Plan Public Works Policy 3.

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<sup>2</sup> The Fire Hazard Reduction Program (FHRP), requires property owners included in the program to maintain their property free of fire hazards or nuisance vegetation year-round. Common requirements include 100-feet of vegetation clearance from structures and 10-feet for road access. See Ventura County Fire Code Appendix W for specific requirements of the FHRP program.

## D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County CZO. Pursuant to the requirements of the Ventura County CZO (Section 8174-4), the proposed use is allowed in the COS-10 ac sdf/M zone district with the granting of a Coastal PD Permit. Upon the granting of the Coastal PD Permit, the proposed project will comply with the requirement.

Estimated earthwork within Ventura County includes 604 cubic yards of cut and 64 cubic yards of fill. There will be approximately 2,552 cubic yards of over excavation, alluvial removal, and compaction, and 540 cubic yards will be exported. The total disturbed area from the construction of the access road and related improvements is 2.32 acres. The proposed project is subject to the special use standards of the Ventura County CZO (Section 8175-5.17 et seq.). The following list includes all the applicable grading and brush removal standards, along with Planning Division staff's analysis of the proposed project's consistency with each of the standards.

1. **Ventura County CZO Section 8175-5.17.1:** *Grading plans shall minimize cut and fill operations. If it is determined that a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.*

As discussed above the construction of the access road will require 604 cubic yards of cut and 64 cubic yards of fill. A 985 linear foot section of the access road will be improved with asphalt concrete, and road improvements will also include a series of retaining walls and drainage features to ensure road stability. The proposed project will require a grading permit in order to ensure that all grading is in compliance with Appendix J of the Ventura County Building Code (Exhibit 5, Condition No. 32).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Section 8175-5.17.1.

2. **Ventura County CZO Section 8175-5.17.2:** *All development shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible. The clearing of land (grading and brush removal) is prohibited during the winter rainy season (November 15th – April 15th).*

**Ventura County CZO Section 8175-5.17.3:** *For permitted grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. All measures for removing sediments and stabilizing slopes shall be in place prior to or concurrent with any on-site grading activities.*

The proposed project has been designed and sited to minimize grading and impacts and alterations to the ground surface to the maximum extent feasible. The access road has been sited in areas that have been previously cleared of vegetation. The proposed total length of the driveway is approximately 1,532 linear feet; however, only 1,312 linear feet is located in the unincorporated area of Ventura County. The proposed project will be subject to conditions of approval to require the Applicant to submit construction plans, to ensure that runoff from the project site is discharged in accordance with the Ventura County Building Code Appendix J and Public Works Agency standards (Exhibit 5, Conditions No. 32). The proposed project will also be subject to a condition of approval to prohibit the clearing of land, grading, and brush removal during the winter rainy season (November 15<sup>th</sup> – April 15<sup>th</sup>) (Exhibit 5, Condition No. 30).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Sections 8175-5.17.2 and 8175-5.17.3

3. **Ventura County CZO Section 8175-5.17.4:** *Where appropriate, sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed on the project site prior to or concurrent with the initial grading operations and maintained by the applicant through the development process to remove sediment from runoff waters. All sediment shall be retained on-site unless removed to an appropriate approved dumping location.*

As discussed in Section C of this staff report (above), the proposed project will be subject to a condition of approval ensuring compliance with the Countywide NPDES MS4 Permit No. CAS004002, where the Applicant will be required to include BMPs designed to ensure compliance and implementation of an effective combination of erosion and sediment control for a disturbed site greater than one acre and determined as High Risk to protect surface water quality during construction (Exhibit 5, Conditions Nos. 35 and 36).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Section 8175-5.17.4.

4. **Ventura County CZO Section 8175-5.17.5:** *Where construction will extend into the rainy season, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion. The appropriate methods shall be prepared by a licensed landscape architect and approved by the County.*

**Ventura County CZO Section 8175-5.17.6:** *Cut and fill slopes shall be stabilized at the completion of final grading. To the greatest extent feasible, planting shall be of native grasses and shrubs or appropriate non-native plants, using accepted planting procedures. Such planting shall be adequate to provide 90 percent coverage within 90 days, and shall be repeated if necessary to provide such coverage. This requirement shall apply to all disturbed soils.*

As discussed in Section C of this report (above), the proposed project will be subject to conditions of approval ensuring compliance with the Ventura Countywide NPDES MS4 Permit No. CAS004002 and CAS000002 (Exhibit 5, Condition Nos. 35 and 36). To minimize impacts to sensitive plant communities adjacent to the development footprint, Mitigation Measure BIO-3 and BIO-4 (Exhibit 5, Condition Nos. 23 and 24) require the Applicant to install temporary exclusion fencing around the construction areas to prevent entry into ESHA and prohibit the use of invasive plants and seeds in the required landscape plan and erosion control seed mix. Finally, the proposed project will be subject to a condition of approval to require the Applicant to install planting to provide 90 percent coverage within 90 days, and repeat if necessary, to provide suitable stabilization methods to protect soils subject to erosion at the completion of final grading (Exhibit 5, Condition Nos. 18 and 32).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Sections 8175-5.17.5 and 8175-5.17.6.

5. **Ventura County CZO Section 8175-5.17.7:** *Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Where feasible and appropriate, water runoff shall be retained on-site to facilitate groundwater recharge, unless to do so would require significant grading or brush removal not otherwise necessary, and the cumulative impacts of such on-site retention would be greater than the cumulative impacts of not facilitating recharge, within the same drainage area.*

A section of the proposed access road will be improved with asphalt concrete, retaining walls, and drainage features to ensure road stability. As discussed in Section C.3 of this staff report (above), the proposed project will incorporate drainage improvements, including culverts and ribbon drains, to direct stormwater runoff back into the natural drainages. The proposed project will require a grading permit that will include drainage improvements (Exhibit 5, Condition Nos. 32 and 33). Additionally, the proposed project will be subject to conditions of approval ensuring compliance with the Ventura Countywide NPDES MS4 Permit No. CAS004002 and CAS000002 (Exhibit 5, Condition Nos. 35 and 36).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Section 8175-5.17.7.

6. **Ventura County CZO Section 8175-5.17.8:** *In addition to any other requirement of this Article, hillside (defined as land with slopes over 20 percent) grading and brush clearance shall be regulated to maintain the biological productivity of*

*coastal waters, protect environmentally sensitive areas and park and recreation areas, and minimize the alteration of natural landforms.*

**Ventura County CZO Section 8175-5.17.9:** *A discretionary permit is required for all substantial hillside grading (over 50 cu. Yds. Of cut or fill) or brush clearance (greater than one-half acre), including that related to agricultural activities. The application for the permit shall contain an erosion control plan. Such plan shall be prepared by a licensed engineer qualified in soil mechanics and hydrology, and approved by appropriate County agencies, to ensure compliance with the Coastal Plan and all other County ordinances.*

Estimated earthwork within Ventura County includes 604 cubic yards of cut and 64 cubic yards of fill. The proposed access road will be sited in previously disturbed areas, which minimizes alteration to natural landforms compared to other areas on the project site that are not accessible, exhibit steep slopes, or contain biological resources. As discussed in Section C of this staff report (above), the proposed project would be required to implement BMPs during construction and for the life of the project to control runoff (Exhibit 5, Condition Nos. 35 and 36). Additionally, the Applicant will be subject to Mitigation Measure BIO-5, which will require the Applicant to enhance, restore, and establish ESHA at a 2:1 mitigation to impact ratio (4.64 acres of compensatory mitigation to offset 2.32 acres of ESHA). Mitigation Measures BIO-5 will also require all on-site ESHA outside the development envelope be permanently protected in perpetuity through a conservation easement or deed restriction (Exhibit 5, Condition No. 25). Furthermore, the Applicant will be required to submit an erosion control plan to the Public Works Agency for approval (Exhibit 5, Condition No. 30).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Sections 8175-5.17.8 and 8175-5.17.9.

7. **Ventura County CZO Section 8175-5.17.10:** *Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants such as chemical, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

**Ventura County CZO Section 8175-5.17.11:** *The Ventura County Resource Conservation District and the State Department of Fish and Game shall be consulted for grading of hillsides and brush clearance in excess of one-half acre. In all cases, best accepted management practices shall be used.*

As referenced in Section C.4 (above), a letter by Werner Biological Consulting, dated March 17, 2020, states that during the 2018 surveys of conducted for the ISBA, the canyon drainages downslope of the access road appeared to terminate below the road, without continuation of any stream course above the road. Further examination indicated that the upper end of two or three pre-existing

ephemeral drainages were likely filled in 1972 to support the existing unpaved access road. From a site visit on March 11, 2020 during a series of winter storms biologist Scott Werner concluded that these ephemeral drainages have been largely disconnected from storm flow by the fill that resulted from the construction of the access road and a pad.

The proposed project will incorporate drainage improvements, including culverts and ribbon drains, to direct stormwater runoff back into the natural drainages that will be a part of the grading permit (Exhibit 5, Condition Nos. 32 and 33). The proposed project would be conditioned to incorporate the requirements of the Ventura Countywide Qualified Stormwater Pollution Prevention Plan (SWPPP) and Ventura Countywide NPDES MS4 Permit No. CAS004002 in order to prevent degradation of surface and groundwater during or after construction (Exhibit 5, Condition No. 35). The proposed project is also subject to the NPDES General Construction Permit No. CAS000002. The proposed project does not involve the construction of single-family dwelling, water well, or OWTS in Ventura County.

As stated in the MND (Exhibit 4), all habitats within the subject property are considered ESHA. Total anticipated permanent loss of ESHA is 2.32 acres. The proposed project will be subject to Mitigation Measure BIO-5, which requires the Permittee to enhance, restore, establish, and preserve ESHA at a 2:1 mitigation-to-impact ratio (4.64 acres of mitigation to offset the loss of 2.32 acres of ESHA) (Exhibit 5, Condition No. 25).

As discussed in Section C.1 of this staff report (above), the Planning Division reached out to State, Federal, and local agencies regarding the proposed project. Three comment letters were received from CDFW, CCC and SMMC. These comment letters and response to comments are provided in Exhibit 4.

Based on the discussion above, the proposed project is consistent with Ventura County CZO Sections 8175-5.17.10 and 8175-5.17.11.

The proposed project is located within the Santa Monica Mountains Overlay Zone, and therefore, is subject to the standards of the Ventura County CZO (Section 8177-4 et seq.). The following list includes all the applicable Santa Monica Mountains Overlay Zone Standards, along with the Planning Division staff's analysis of the proposed project's compliance with each of the standards.

8. **Ventura County CZO Section 8177-4.1.1:** *New development, including all private and public recreational uses, shall preserve all unique vegetation such as *Coreopsis gigantea* (giant coreopsis) and *Dudleya cymosa* ssp. *marcescens* (marcescent dudleya).*

As discussed in Section B, Item 4 (Biological Resources) of the MND (Exhibit 4), site surveys did not yield any confirmed presence of Federal or State listed

endangered, threatened, or California Rare Plant Rank (CRPR) ranked plant species, with the exception of one California Native Plant Society (CNPS) ranked species, Plummer's mariposa lily (*Colochortus plummerae*), located on the southeast corner of the Los Angeles County lot (APN 4472-016-044). Plummer's mariposa lily is also considered a Locally Important Species (LIS) by the County of Ventura. The proposed project has been designed and sited to minimize grading and impacts and alterations to the ground surface to the maximum extent feasible. The access road has been sited in areas that have been previously cleared of vegetation. With the implementation of Mitigation Measures BIO-1 through BIO-6, impacts to ESHA would be minimized and would preserve the coastal habitat (Exhibit 5, Conditions Nos. 21 through 26).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Section 8177-4.1.1.

**9. Ventura County CZO Section 8177-4.1.2:** *All new development shall be sited and designed to avoid adverse impacts on environmentally sensitive habitat areas.*

*a. In cases where environmentally sensitive habitat areas are located on a project site where the impacts of development are mitigated consistent with the LCP Land Use Plan, the County shall assure that all habitat areas are permanently maintained in open space through a recorded easement or deed restriction.*

*b. When such impacts of development would be unavoidable, the County shall ascertain within the specified project review period whether any public agency or nonprofit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Property Administration Agency, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property that would be affected by the proposed development and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit is denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reason.*

On September 20, 2018, the Planning Division notified and requested comments from California State Coastal Conservancy, California State Park, General Services Agency, National Park Service – Santa Monica Mountains National Recreation Area, Santa Monica Mountains Conservancy, Trust of Public Lands for comments regarding the proposed project. The MND was made available for



public review from January 10, 2020 to February 10, 2020 and as of the date of this staff report, the Ventura County Planning Division received comment letters from the CDFW, the SMMC and the CCC. The proposed final MND, State agencies comment letters, and response to comments are attached as Exhibit 4.

Additionally, the Applicant will be subject to Mitigation Measure BIO-5, which will require the Applicant to enhance, restore, establish, and preserve ESHA at a 2:1 mitigation to impact ratio (4.64 acres of compensatory mitigation to offset 2.32 acres of ESHA), and all on-site ESHA outside the development envelope shall be permanently protected through a conservation easement or deed restriction to restrict future development (Exhibit 5, Condition No. 25).

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.2.

- 10. Ventura County CZO Section 8177-4.1.3:** *Construction and/or improvements of driveways or accessways that would increase access to any property shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points from public roads and to reduce grading. At stream crossings, driveway access for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as is feasible and shall follow natural contours.*

As discussed under Section C.1 (above), access to Los Angeles County will be via existing easements south of Yellow Hill Road, an existing public unpaved road that meets the minimum access standards from VCFPD. The easements leading to Los Angeles County will be improved and partially paved. The access road would follow the natural contours of the hills. The access road will be required to meet the adopted Private Road Guidelines and Access Standards of VCFPD.

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.3.

- 11. Ventura County CZO Section 8177-4.1.4:** *All proposal for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future development will be consistent with the development policies contained in the LCP Land Use Plan. Where potential development cannot occur consistent with the LCP, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and development with the standards of the LCP. In addition, the following shall apply:*

- a. *Future building envelopes shall be identified on all applications and on the final subdivision map.*
- b. *All identified environmentally sensitive habitat areas and/or slopes over 30 percent shall be permanently maintained in their natural state through an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30 percent slope.*
- c. *All offers of dedication for trail easements shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation*

The proposed project does not involve a subdivision, Therefore, Ventura County CZO Section 8177-4.1.4 does not apply to the proposed project.

12. **Ventura County CZO Section 8177-4.1.5:** *New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.*

The subject property is located approximately 2.5 miles from the coast and shielded by steep terrain and is not visible from a public viewing location to or from the coast. As discussed in Section C.1 (above) and in Section B, Item 6 (Scenic Resources) of the MND (Exhibit 4), the proposed access road in Ventura County is not visible from State Route 1(Pacific Coast Highway) or Yerba Buena Road. The proposed access road is located at a lower elevation than Yellow Hill Road and hidden by natural topography. The Arroyo Sequit Park Trail (a National Recreation Trail) is located approximately 2.3 miles east of the project site, Yellow Hill Trail is located approximately 1 mile southwest of the project site, and the Nicholas Flat Trail is located approximately 1 mile south of the project site. At these distances and due to the steep terrain, public views of the proposed access road would likely not be visible. The proposed project does not include the construction of structures or lighting in Ventura County; therefore, no significant degradation of visual resources or alteration of visual resources as viewed from public observation points.

Based on the discussion above, the proposed project will comply with Ventura CZP Section 8177-4.1.5.

13. **Ventura County CZO Section 8177-4.1.6:** *Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available and shall not be sited on the crest of major ridgelines.*

As discussed under Section C.1 (above), access to Los Angeles County will be via easements south of Yellow Hill Road, which is an existing public road. The proposed access road has been sited in areas that have been previously cleared of vegetation. No other areas were identified as potential alternatives for the road that would minimize the alteration of land and disturbance of ESHA.

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.6.

- 14. Ventura County CZO Section 8177-4.1.7:** *Except within the existing South Coast community, as shown on the South Coast subarea Land Use Plan map, all development proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, use of natural materials, low building profiles, earth tone colors, and the like. Development shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of the Plan.*

As discussed in Section A of this staff report (above), the access road is located adjacent to National Park Service land in Los Angeles County and will follow the natural contours of the hills. The proposed project in Ventura County is only for the construction of the access road and related structures (i.e. retaining walls, pavement, and drainage features); the Applicant will be required to landscape, use natural materials, earth tones, and colors to the extent possible. As discussed in Section 35 of MND (Exhibit 4), a short portion of the proposed driveway crosses National Park Service land in Los Angeles County. National Park Service has been working with the Applicant and has confirmed that the Applicant has legal access. The Applicant will be required to provide a record instrument granting the easement from the property owners and National Park Service for the proposed driveway, and copies or satisfied all applicable Federal, State, and local entitlements and conditions that pertain to the proposed project prior to the issuance of the Zoning Clearance for construction.

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.7.

- 15. Ventura County CZO Section 8177-4.1.8:** *Development shall neither preclude continued use of, nor preempt, the option of establishing inland recreational trails along routes depicted on the LCP Land Use Plan maps. A recorded offer of dedication or a deed restriction creating a trail easement shall be required as a condition of approval on property crossed by trails shown on the LCP Land Use Plan maps.*

**Ventura County CZO Section 8177-4.1.9:** *All new trail corridors shall be a minimum of 25 feet in width, with a larger corridor width for major feeder trails.*

*The routing of trails shall be flexible in order to maintain an adequate buffer from adjacent development. Where feasible, development shall be sited sufficiently distant from the trail so as not to interfere with the trail route.*

The project site is not located on any trail route, and it would not preclude the continued use of any inland recreational trail as depicted in the Ventura County Coastal Area Plan (Figure 4.1-7, California Coastal Trail, South Coast, 2017).

Based on the discussion above, the proposed project will comply with Ventura County CZO Sections 8177-4.1.8 and 8177-4.1.9.

- 16. Ventura County CZO Section 8177-4.1.10:** *Before a permit for development of any lot is approved, the suitability of that lot for public recreational use shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or nonprofit organization is planning or contemplating acquisition of any part of the subject property, or whether such agencies are specifically authorized to acquire any portion of the property that would be affected by the proposed development, or whether funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application for permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reasons.*

As discussed in Section C.1 of this staff report (above), on September 20, 2018, the Planning Division notified and requested comments from California State Coastal Conservancy, California State Park, General Services Agency, National Park Service – Santa Monica Mountains National Recreation Area, Santa Monica Mountains Conservancy, Trust of Public Lands for comments regarding the proposed project. The MND was made available for public review from January 10, 2020 to February 10, 2020 and as of the date of this staff report, the Ventura County Planning Division received comment letters from the CDFW, the SMMC and the CCC. The proposed final MND, State agencies comment letters, and response to comments are attached as Exhibit 4.

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.10.

- 17. Ventura County CZO Section 8177-4.1.11:** *Any areas within the Santa Monica Mountains used for private recreational purposes shall continue to be so used unless it becomes unfeasible to do so. These properties are subject to the following:*

- a. *The only principally-permitted uses (not appealable to the Coastal Commission) on such properties are recreational uses, Planned Development Permits for new recreational uses, or the expansion of existing recreational uses, may be issued by the Planning Director in accordance with Article 11. Permits for all other uses shall be decided upon in accordance with Articles 4 and 11, and all other applicable provisions of this Chapter and the certified LCP Land Use Plan.*
- b. *Prior to the granting of a permit that allows a conversion of recreational uses to non-recreation uses, Section 8177-4.1.10 shall be followed.*

The subject property has not been, and is not currently, subject to private recreational use.

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.11.

## **E. COASTAL PD PERMIT FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County CZO (Section 8181-3.5 et seq.). The proposed findings and supporting evidence are as follows:

### **1. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program [Section 8181-3.5.a].**

Based on the information and analysis presented in Sections C and D of this staff report and the MND (Exhibit 4), the finding that the proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program can be made.

### **2. The proposed development is compatible with the character of surrounding development [Section 8181-3.5.b].**

The project site is located in Ventura County and the proposed project is only for the construction of a private driveway in Ventura County to access a proposed single-family dwelling located in Los Angeles County, immediately across the County line. The project site has a General Plan land use designation of Open Space and is zoned Coastal Open Space. The surrounding properties on the Ventura County side have the same General Plan land use and zoning designations as the project site. Lots to the north and west are undeveloped, vacant land, and properties to the south and east are located in Los Angeles County.

As discussed in Section C of this staff report (above), the proposed project does not include a change of use that has the potential to create any land use conflicts with surrounding residential development, generate new traffic beyond that associated with a single-family dwelling, or introduce physical development that is incompatible with the surrounding development.

The project site is located in the Santa Monica Mountains Overlay Zone. The purpose of this overlay is to protect habitats for several unique, rare, or endangered plant and animal species and to provide protective measures. As discussed in Sections C.4, D.6, and D.9 of this staff report (above), previous clearing and proposed development would permanently remove 2.32 acres of ESHA. To preserve the natural character of the Santa Monica Mountains, the Applicant will be subject to Mitigation Measure BIO-5, which requires the Applicant to enhance, restore, establish, and preserve ESHA at a 2:1 mitigation to impact ratio (4.64 acres of mitigation to offset the loss of 2.32 acres of ESHA). In addition, all on-site ESHA located outside of the development envelope shall be protected through a conservation easement or deed restriction to restrict future development in the area (Exhibit 5, Condition No. 25).

To ensure the proposed access road is compatible with the natural environment of the Santa Monica Mountains, the Applicant will be required to submit a landscape plan to the Planning Division for review and approval (Exhibit 5, Condition No. 18).

Furthermore, as discussed in Section C.5 of this staff report (above), with adoption of the recommended condition of approval to limit the days and times of noise-generated construction activities, the proposed project will not generate noise that is incompatible with surrounding residential uses ( Exhibit 5, Condition No. 29). Therefore, the proposed project will be consistent with the character of the surrounding development.

Based on the discussion above, this finding can be made.

- 3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located [Section 8181-3.5.c].**

The proposed project consists of a request for approval of a Coastal PD Permit to construct a new access road. The proposed use is not a conditionally permitted use, and therefore, the requirement of this finding does not apply to the proposed project.

Based on the discussion above, this finding can be made.

- 4. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8181-3.5.d].**

As discussed in Sections C.1, C.4, and E.2 of this staff report (above), the proposed development will be compatible with surrounding residential uses and open space located within the vicinity of the project site. The surrounding public road network is adequate to continue serving the project site. Furthermore, as discussed in Section D of this staff report (above), the proposed project will be subject to a condition of approval to limit the days and hours of noise-generating construction activities in order to ensure that construction-generated noise does not significantly affect occupants of residences located within proximity to the project site (Exhibit 5, Condition No. 29). Therefore, the proposed project will not be obnoxious or harmful, or impair the utility of neighboring properties or uses.

Based on the discussion above, this finding can be made.

**5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8181-3.5.e].**

As discussed in Section C of this staff report (above), the proposed project's home-based trips will likely average one per day given the distance to employment centers and public services. Due to the minimal number of trips generated by the project, the addition of a single-family dwelling is not expected to result in a VMT impact consistent with the VMT reduction goals of the OPR's Technical advisory on Evaluating Transportation Impacts. Adequate public resources and infrastructure exist to serve the residential use of the subject property. Furthermore, the proposed project will not interfere with, or significantly affect, public use of recreation and open space resources within the Santa Monica Mountains National Recreation Area. Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience, or welfare.

Based on the discussion above, this finding can be made.

**6. Private services for each individual development requiring potable water will be able to serve the development adequately over its normal lifespan.**

As discussed in Section C of this staff report (above), the proposed project only includes the construction of an access road in Ventura County. The single-family dwelling will be permitted and constructed in Los Angeles County, the applicant will be required to apply with Los Angeles County for appropriate permits for a water well.

Based on the above discussion, this finding can be made.

**7. When a water well is necessary to serve the development, the applicant shall be required to do a test well and provide data relative to depth of water, geologic structure, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify**

**cumulative impacts on riparian areas or other coastal resources. When sufficient cumulative data is available to make accurate findings, the County must find that there is no evidence that proposed wells will either individually or cumulatively cause significant adverse impacts on the above mentioned coastal resources.**

As discussed in Section C of this staff report (above), water for the project will be provided by an on-site water well, and an on-site septic system would provide sewage disposal, both of which will be located in Los Angeles County. The proposed water well will be located approximately 50 feet away from the Ventura County line and will not be located near any other wells. The nearest well in Ventura County is located more than 1,400 linear feet to the northwest and upslope. Based on the limited well production output in this vicinity, future net individual and cumulative ground water extractions is considered to have less-than-significant impacts to ground water quantity.

Based on the above discussion, this finding can be made.

- 8. All need for sewage disposal over the life span of the development will be satisfied by existing sewer service to the immediate area or by location of septic facilities on-site consistent with other applicable provisions of the LCP.**

As discussed in Section C of this staff report (above), public sewer service is not available in the area. The proposed single-family dwelling will require the installation of a new septic system for disposal of effluent. The septic system will be located in the Los Angeles County, and construction of the septic system will be subject to the Los Angeles County Environmental Health Division regulation and will meet the requirements of the California State Water Resources Control Board (SWRCB).

Based on the discussion above, this finding can be made.

- 9. Development outside of the established "Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water etc.) into an open space area.**

The proposed project is located within an area that is subject to the Open Space General Plan and Coastal Area Plan land use designations and not in an established "Community" area. As discussed in Section C of the staff report (above). The proposed project includes the construction of a new access road and does not include the construction of a single-family dwelling in Ventura County. Access to the single-family dwelling in Los Angeles County will be via Yellow Hill Road with the creation of the new access road. The proposed project does not involve the construction of new or expansion of existing, public roads, or other public facilities or infrastructure (e.g., fire prevention or law enforcement



facilities). Therefore, no proposed expansion of public services will be required to support the proposed project.

Based on the discussion above, this finding can be made.

#### **F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County CZO (Section 8181-6.2 et seq.). On May 19, 2021 the Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located. On May 24, 2021 the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received comments.

#### **G. RECOMMENDED ACTIONS**

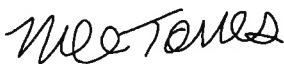
Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, including the proposed MND (Exhibit 4), Mitigation Measures and Mitigation Monitoring and Reporting Program (Exhibit 5), and has considered all comments received during the public comment process;
2. **FIND**, based on the whole of the record before the Planning Director, including the Initial Study and any comments received, that upon implementation of the mitigation measures there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Planning Director's independent judgment and analysis;
3. **ADOPT** the MND (Exhibit 4) and Mitigation Monitoring Program (Exhibit 5);
4. **MAKE** the required findings to grant a Coastal PD Permit pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
5. **GRANT** Coastal PD Permit Case No. PL17-0130, subject to the conditions of approval (Exhibit 5).
6. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

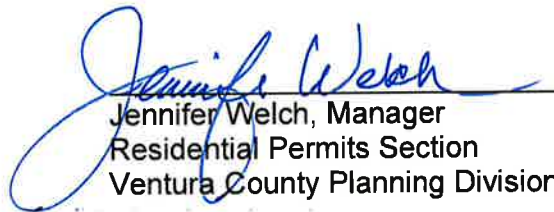
If you have any questions concerning the information presented above, please contact Noe Torres at (805) 654-3635 or [Noe.Torres@ventura.org](mailto:Noe.Torres@ventura.org).

Prepared by:



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Ventura County Planning Division

Reviewed by:



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Jennifer Welch, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Mitigated Negative Declaration (MND) and Response to Comments
- Exhibit 5 Draft Conditions of Approval and Mitigation Monitoring and Reporting Program