

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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TH 21b

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-07-097

APPLICANT: Hiwad Abedi & Mehnaz Hashemyar

PROJECT LOCATION: 25617 Piuma Road, (Lot 7, Tract 38931 north side of Piuma Road one half mile east of Woodbluff Road), Calabasas, Los Angeles County (Assessor's Parcel Number 4456-038-007)

PROJECT DESCRIPTION: Construct a two story, 28 foot high, 6,025 sq. ft. single family residence, attached 675 sq. ft. guest house above a 700 sq. ft. gym and 3-car, 641 sq. ft. garage, 1,388 sq. ft. decks and balconies, pool, spa, pond, gazebo, driveway, septic system, retaining walls, 150 cubic yards of cut, 255 cubic yards of fill.

Lot area:	2.77 acres
Open Space Easement:	1.7 acres
Building coverage:	4,602 sq. ft.
Pavement coverage:	6,440 sq. ft.
Landscape coverage:	10,500 sq. ft.
Height:	28 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Regional Planning Approval in Concept, 4/2/2007; County of Los Angeles Fire Department Preliminary Fuel Modification Plan Approval, September 10, 2008; Los Angeles County Department of Health Services, Sewage Disposal System Design Approval, 7/26/2007.

SUBSTANTIVE FILE DOCUMENTS: "Geologic & Soils Engineering Report, Proposed Single Family Residence, Lot 7, Tract 38931 Piuma Road, Calabasas, County of Los Angeles" Gold Coast Geoservices, Inc. dated January 29, 2007; Tract Map 38931, Los Angeles County; "Preliminary Drainage Study, County of Los Angeles, Lot7, Tract No. 38931, Piuma Road, Calabasas, CA", by Peak Surveys, Inc., dated November 3, 2007; "Biological Assessment, APN: 4456-038-007, Piuma Road, Calabasas, Los Angeles County, California", by Forde Biological Consultants, dated November 16, 2007; Coastal Permit No. 5-83-004, Quaker Corporation; Coastal Permit No. 4-07-144, Dominguez; Coastal Permit No. 4-04-103, Wave Enterprises.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **Eleven (11) Conditions** regarding: (1) plans conforming to geotechnical engineer's recommendations; (2) landscaping and erosion control plans; (3) drainage and polluted runoff control plans;

(4) removal of natural vegetation; (5) structural appearance; (6) lighting restriction; (7) habitat impact mitigation; (8) future development restriction; (9) deed restriction; (10) pool and spa drainage and maintenance, and (11) assumption of risk, waiver of liability.

The applicant proposes to construct a two story, 28 foot high, 6,025 sq. ft. single family residence, attached 675 sq. ft. guest house above a 700 sq. ft. gym and 3-car, 641 sq. ft. garage, 1,388 sq. ft. decks and balconies, pool, spa, pond, gazebo, driveway, septic system, retaining walls, 150 cubic yards of cut, 255 cubic yards of fill.

The project site is a vacant 2.77-acre lot (APN 4448-024-033) located at 25617 Piuma Road (Lot 7, Tract 38931, Piuma Road, one half mile east of Woodbluff Road), Calabasas, in the Santa Monica Mountains, in unincorporated Los Angeles County. The site is located on a lot traversed by Little Dark Creek, a blue line stream, draining a portion of the northeast face of Saddle Peak below Piuma Road leading to a culvert beneath Piuma Road to the subject lot. The stream crosses the subject lot at the southeast corner, follows the eastern boundary across the southern half of the lot, then turns northwest to cross the lot. Little Dark Creek is a densely vegetated riparian habitat area. An open space easement area has been recorded on site and extends 75 feet in width from the top edge of each creek bank as a result of the Commission's approval of Coastal Permit No. 5-83-004 in 1983. This 1.7 acre open space easement area has been accepted by the Mountains Recreation & Conservation Authority in 2006. The creek area is also a County designated flood hazard area. The proposed building site is at the southwest corner of the lot immediately adjacent to Piuma Road and well beyond the flood hazard setback. The existing building pad area is 13,100 sq. ft. and was graded as part of the subdivision approved by Coastal Permit No. 5-83-004. The remaining half of the lot is located to the north of the creek on a west facing slope. The building pad is barren with little or no vegetation. Vegetation east and north of the building pad is dense ceanothus chaparral with vegetation within the creek consisting of coast live oak, sycamore, and willow species. The area surrounding the project site to the north and east is characterized by heavily sloped hillsides with thick chaparral vegetation. Vegetation located on the northern portion of the lot has been removed as a result of fuel modification for two separate residences located on adjoining lots to the north. The area adjacent to the west of the building pad includes several single-family residences and undeveloped residential graded pad located to the south across Piuma Road. The area located beyond the subject lot to the east consists of undisturbed chaparral. Therefore, the lot's riparian area located to the north and east of the building site and the chaparral areas located offsite to the east are considered environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act.

The proposed residence would be readily visible from Piuma Road, a public roadway, and visible from the Backbone Trail and surrounding public lands.

The standard of review for the project is the Chapter 3 policies of the Coastal Act. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project will be consistent with the applicable policies of the Coastal Act and the LUP.

Table of Contents

I. STAFF RECOMMENDATION	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS.....	5
1. <i>Plans Conforming to Geotechnical Engineer's Recommendations</i>	5
2. <i>Landscaping and Erosion Control Plans</i>	5
3. <i>Drainage and Polluted Runoff Control Plan</i>	7
4. <i>Removal of Natural Vegetation</i>	8
5. <i>Structural Appearance</i>	8
6. <i>Lighting Restriction.....</i>	9
7. <i>Habitat Impact Mitigation.....</i>	9
8. <i>Future Development Restriction</i>	13
9. <i>Deed Restriction</i>	13
10. <i>Pool and Spa Drainage and Maintenance.....</i>	13
11. <i>Assumption of Risk, Waiver of Liability and Indemnity</i>	14
IV. FINDINGS AND DECLARATIONS	14
A. PROJECT DESCRIPTION AND BACKGROUND	14
B. HAZARDS AND GEOLOGIC STABILITY	15
C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS.....	16
D. WATER QUALITY	28
E. VISUAL RESOURCES	29
F. LOCAL COASTAL PROGRAM.....	32
G. CEQA	33

EXHIBITS

Exhibit 1:	Vicinity Map
Exhibit 2:	APN Map w/ Open Space Easement
Exhibit 3:	Site Plan Detail
Exhibit 4:	Landscape Fuel Mod Plan
Exhibit 5:	Architectural Site Plan
Exhibit 6:	First Floor Plan
Exhibit 7:	Second Floor Plan
Exhibit 8:	Roof Plan
Exhibit 9:	North & South Elevations
Exhibit 10:	West & East Elevations
Exhibit 11:	Ease & North Elevations – Guest House & Garage
Exhibit 12:	West & South Elevations – Guest House & Garage
Exhibit 13:	Vegetation Map
Exhibit 14:	Grading Plan Detail
Exhibit 15:	Open Space Conservation Easement
Exhibit 16:	2008 Aerial

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-07-097 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
2. **Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject properties to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the report titled "Geologic & Soils Engineering Report, Proposed Single Family Residence, Lot 7, Tract 38931 Piuma Road, Calabasas, County of Los Angeles" Gold Coast Geoservices, Inc. dated January 29, 2007. These recommendations shall be incorporated into all final design and construction plans, including recommendations concerning site preparations – building pad, fill placement, shrinkage, site drainage, foundation design, premoistening, estimated settlement, notes to foundation design recommendations, retaining walls, soils generated from footing excavations, areas to receive pavement, sewage disposal, plan review, and observation and testing.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to the recommendations listed above. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit final landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the criteria set forth below. All development shall conform to the approved landscaping and erosion control plans:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting shall be primarily of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 4) Vegetation within 20 feet of the proposed house may be removed to mineral earth. Vegetation within a 200-foot radius of the residence, garage and guest house may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with the approved final approved fuel modification plan. Fuel Modification in riparian areas is limited to removal of dead and downed wood and exotics. Irrigated lawn, turf and ground cover planted within the first twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 5) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- 6) Fencing of the entire property is prohibited. Fencing shall not extend into the open space easement area recorded as document number 85-844019. The fencing type and location shall be illustrated on the landscape plan and be located within the building pad area. Fencing shall also be subject to the color requirements outlined in Special Condition Five (5) below.

The permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and

swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

- (1) Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Drainage and Polluted Runoff Control Plan

- A. ***Prior to issuance of the coastal development permit***, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in

conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
 - (b) Runoff shall be conveyed off site in a non-erosive manner.
 - (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
 - (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 20 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 20-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

5. Structural Appearance

By acceptance of this permit, the applicant agrees to utilize the color palette and material specifications for the outer surface of all structures that are compatible with the surrounding environment. Acceptable colors are limited to colors compatible with the surrounding environment (earth tones) including shades of green and brown with no

white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored and constructed with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit No. 4-07-097 if such changes are specifically authorized by the Executive Director as complying with this special condition.

6. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
2. Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.
3. The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

7. Habitat Impact Mitigation

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a map delineating all areas of chaparral habitat (ESHA) that will be disturbed by the proposed development, including fuel modification on the project site and brush clearance requirements on adjacent property. The chaparral ESHA areas on the site and adjacent property shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and, if the fuel modification/brush clearance zones extend onto adjacent property, adjacent parcel boundaries. The delineation map shall indicate the total acreage for all chaparral ESHA, both on and offsite that will be impacted by the proposed development, including the fuel modification/brush clearance areas. A 200-foot clearance zone from the proposed structures shall be used to determine the extent of off-site brush clearance for

fire protection purposes. The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the chaparral ESHA from the proposed development and fuel modification/brush clearance requirements by one of the three following habitat mitigation methods:

A. Habitat Restoration

1) Habitat Restoration Plan

Prior to the issuance of the coastal development permit, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral habitat equivalent to the area of chaparral ESHA impacted by the proposed development and fuel modification/brush clearance area. The habitat restoration area may either be onsite or offsite within the coastal zone either in the City of Malibu or elsewhere in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite, the applicants shall submit written evidence to the Executive Director that the property owner has irrevocably agreed to allow the restoration work, maintenance and monitoring required by this condition and not to disturb any native vegetation in the restoration area.

The applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the performance standards outlined in the restoration plan and describing the revegetation, maintenance and monitoring that was conducted during the prior year. The annual report shall include recommendations for mid-course corrective measures. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has been, in part or in whole, unsuccessful, based on the approved goals and performance standards, the applicants shall submit a revised or supplemental restoration plan with maintenance and monitoring provisions, for the review and approval of the Executive Director, to compensate for those portions of the original restoration plan that were not successful. Should supplemental restoration be required, the applicants shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating the supplemental restoration areas. At the end of the five-year period, a final report shall be submitted evaluating whether the supplemental restoration plan has achieved compliance with the goals and

performance standards for the restoration area. If the goals and performance standards are not met within 10 years, the applicants shall submit an application for an amendment to the coastal development permit for an alternative mitigation program and shall implement whatever alternative mitigation program the Commission approves, as approved.

The habitat restoration work approved in the restoration plan shall be carried out prior to occupancy of the residence.

2) Open Space Deed Restriction

No development, as defined in section 30106 of the Coastal Act, shall occur in the habitat restoration area, as shown on the habitat restoration site plan required pursuant to (A)(1) above.

Prior to the issuance of the coastal development permit, the applicant shall submit evidence that the applicants have executed and recorded a deed restriction (if the applicants are not the owners, then the applicants shall submit evidence that the owner has executed and recorded the deed restriction), in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel on which the restoration area lies and the open space area/habitat restoration area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

Prior to the issuance of the permit, the applicant shall post performance bonds to guarantee implementation of the restoration plan as follows: a) one equal to the value of the labor and materials; and b) one equal to the value of the maintenance and monitoring for a period of 5 years. Each performance bond shall be released upon satisfactory completion of items (a) and (b) above. If the applicants fail to either restore or maintain and monitor according to the approved plans, the Coastal Commission may collect the security and complete the work on the property.

B. Habitat Conservation

Prior to the issuance of the coastal development permit, the applicants shall (or, if the applicants are not the owner of the habitat conservation site, then the owners of the habitat conservation site shall) execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over the entirety of a legal parcel or parcels containing chaparral ESHA. The chaparral

ESHA located on the mitigation parcel or parcels must be of equal or greater area than the ESHA area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 30106 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

Prior to occupancy of the residence, the applicants shall submit evidence, for the review and approval of the Executive Director, that the recorded documents have been reflected in the Los Angeles County Tax Assessor Records.

If the mitigation parcel(s) is/are larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like ESHA.

C. Habitat Impact Mitigation Fund

Prior to the issuance of the coastal development permit, the applicant shall submit evidence, for the review and approval of the Executive Director, that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to chaparral habitat ESHA. The fee shall be calculated as follows:

1. Development Area, Irrigated Fuel Modification Zones, Off-site Brush Clearance

The in-lieu fee for these areas shall be \$12,000 per acre within the development area and any required irrigated fuel modification zones. The total acreage shall be based on the map delineating these areas required by this condition.

2. Non-irrigated Fuel Modification Zones

The in-lieu fee for non-irrigated fuel modification areas shall be \$3,000 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment of any in-lieu fee to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of the Executive Director, the calculation of the in-lieu fee required to mitigate adverse impacts to chaparral habitat ESHA, in accordance with this condition. After review and approval of the fee calculation, the fee shall be paid to the Mountains Recreation and Conservation Authority's Coastal Habitat Impact Mitigation Fund for the acquisition, or permanent preservation of chaparral habitat in the Santa Monica Mountains coastal zone.

8. Future Development Restriction

This permit is only for the development described in Coastal Development Permit No. 4-07-097. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253(b) the exemptions otherwise provided in Public Resources Code Section 30610(a) and 30610 (b) shall not apply to any future development on any portion of the parcel. Accordingly, any future improvements to any portion of the property, including but not limited to the residence, guest house, including any new interior stairways connecting the first floor gym with the second floor guest house, gym, garage, septic system, landscaping, and removal of vegetation or grading other than as provided for in the approved fuel modification/landscape plan prepared pursuant to **Special Condition Two (2)**, shall require an amendment to Coastal Development Permit No. 4-07-097 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the applicants have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. Pool and Spa Drainage and Maintenance

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

11. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire, erosion and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

1. Project Description

The applicant is proposing to construct a two story, 28 foot high, 6,025 sq. ft. single family residence, attached 675 sq. ft. guest house above a 700 sq. ft. gym and attached to a 3-car, 641 sq. ft. garage, 1,388 sq. ft. decks and balconies, pool, spa, pond, gazebo, driveway, septic system, 134 feet of 4 foot high retaining walls, 150 cubic yards of cut, 255 cubic yards of fill. The guest house above the gym is attached to the residence with a covered breezeway on the ground level and an elevated balcony, walkway, and deck on the second floor. The pool includes a water slide. The driveway includes a water feature or fountain. **(Exhibits 2 - 16).**

The project site is a vacant 2.77-acre lot (APN 4448-024-033) located at 25617 Piuma Road (Lot 7, Tract 38931, north side of Piuma Road, one half mile east of Woodbluff Road), Calabasas, in the Santa Monica Mountains, in unincorporated Los Angeles County. **(Exhibits 1 and 2).** The site is located on a lot traversed by Little Dark Creek designated by USGS, as a blue line stream, draining a portion of the northeast face of Saddle Peak below Piuma Road leading to a culvert beneath Piuma Road to the subject lot. The stream crosses the subject lot at the southeast corner, follows the eastern boundary across the southern half of the lot, then turns northwest to cross the lot. An open space easement area which extends 75 feet from the top edge of each of the creek banks has been recorded on site as a result of the Commission's approval of Coastal Permit No. 5-83-004 in 1983. The open space easement area totals 1.7 acres and extends a total of 170 foot width along both sides of the Creek (Exhibit 15). This open space easement was accepted by the Mountains Recreation & Conservation Authority in 2006. In addition, the County of Los Angeles has required that the Little Dark Creek area be recorded as a flood hazard with a 75 foot setback from each edge

of the creek as part of the subdivision creating the lot in Tract No. 38931. The proposed building site is at the southwest corner of the lot immediately adjacent to Piuma Road and well beyond the open space easement area and the flood hazard setback. The existing building pad area is 13,100 sq. ft. which was graded as part of the subdivision approved in 1983 by Coastal Permit No. 5-83-004. The proposed development will be located entirely within the existing flat pad area on the southern half of the lot south of the creek. The remaining half of the lot is located to the north of the creek on a west facing slope. The northern portion of the lot has been cleared of native vegetation as a result of fuel modification for two residences on two adjoining lots located to the north of the subject lot. The building pad on the subject lot is barren with little or no vegetation.

B. HAZARDS AND GEOLOGIC STABILITY

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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.

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology report referenced in the Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geologist and engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact

that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire, flooding and/or geologic hazards that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations

Special Condition 2: Landscaping and Erosion Control Plans

Special Condition 3: Drainage and Polluted Runoff Control Plan

Special Condition 4: Removal of Native Vegetation

Special Condition 11: Assumption of Risk, Waiver of Liability and Indemnity

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section **30240** states:

(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.

Section **30107.5** of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process

or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table I and all other policies of this LCP.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, 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.

P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

1. Project Description and Site Specific Biological Resource Information

The project site is a vacant 2.77-acre lot (APN 4448-024-033) located at 25617 Piuma Road, on Lot 7, Tract 38931, Piuma Road, one half mile east of Woodbluff Road, Calabasas, in the Santa Monica Mountains, in unincorporated Los Angeles County. The site is located on a lot traversed by Little Dark Creek, a blue line stream, draining a portion of the northeast face of Saddle Peak below Piuma Road leading to a culvert beneath Piuma Road to the subject lot (Exhibits 13, 15 & 16). The stream crosses the subject lot at the southeast corner, follows the eastern boundary across the southern half of the lot, then turns northwest to cross the lot. An open space easement area has been recorded on site which extends 75 foot from the top edge of each of the creek

banks as a result of the Commission's approval of Coastal Permit No. 5-83-004 in 1983 (Exhibit 15). The open space easement area totals 1.7 acres and extends a total of 170 foot width along both sides of the Creek (Exhibit 15). This open space easement was accepted by the Mountains Recreation & Conservation Authority in 2006. Little Dark Creek is also recorded as a flood hazard with a 75 foot setback from each edge of the creek. The proposed building site is at the southwest corner of the lot immediately adjacent to Piuma Road and well beyond the open space easement area and the flood hazard setback. The existing building pad area is 13,100 sq. ft. which was graded as part of the subdivision approved in 1983 by Coastal Permit No. 5-83-004. The remaining half of the lot is located to the north of the creek on a west facing slope. The building pad is barren with little or no vegetation. Vegetation east and north of the building pad consists of dense ceanothus chaparral. Within the creek area dense riparian vegetation consists of coast live oak, sycamore, and willow species. The area surrounding the project site and beyond the subject lot to the north and east is characterized by heavily sloped hillsides with thick chaparral vegetation. Vegetation located on the northern portion of the subject lot has been removed as a result of fuel modification for two separate residences located on adjoining lots to the north. The area adjacent to the west of the building pad includes several single-family residences and undeveloped residential graded pad located to the south across Piuma Road.

The majority of the subject parcel is vegetated with ceanothus chaparral vegetation and riparian habitat vegetation, with the exception of the previously graded building pad area, which is primarily barren with a little or no vegetation. The oak trees, western sycamores and willow are located within the naturally deep ravine on site formed by Little Dark Creek and do not extend beyond the top of the banks. The applicant submitted the Biological Assessment listed in the Substantive File Documents, which addresses the habitats present on the project site. The report identifies two vegetation/habitat communities on the project site. The report describes these habitats as:

Disturbed Habitat (0.30 acres on graded building pad)

Vegetation on the graded pad is limited to just a handful of native plants including California aster (*Lessingia filaginifolia*), coastal buckwheat (*Eriogonum fasciculatum* var. *fasciculatum*), and telegraph weed (*Heterotheca grandiflora*). Non-native plants observed in this area included re-stem filaree (*Erodium cicutarium*) and cheat grass (*Bromus tectorum*).

Ceanothus Chaparral Habitat (2.47 acres remainder of lot)

Vegetation north and east of the pad is tall and dense and is best described as ceanothus chaparral. Plants observed within the ceanothus chaparral community included, black sage (*Salvia mellifera*), big pod ceanothus (*Ceanothus megacarpus*), buckwheat (*fasciculatum* var. *polifolium*), bush monkey flower (*Mimulus aurantiacus*), California sagebrush (*Artemisia californica*), chamis (*Adenostoma fasciculatum*), chaparral yucca (*Yucca whipplei*), cliff-aster (*Malacothrix saxatilis*), coyote brush (*Baccharis pilularis*), elderberry (*Sambucus mexicana*), needlegrass (*Nasella* sp.), greenbark ceanothus (*Ceanothus spinosus*), golden yarrow (*Eriophyllum confertiflorum*), laurel sumac (*Malosma laurina*), poison oak (*Toxicodendron diversilobum*), and toyon (*Heteromeles arbutifolia*).

Riparian Habitat Within The Above Ceanothus Chaparral Habitat

... western sycamore (*Platanus racemosa*) and willow (*Salix* spp.) are facultative wetland species (i.e. they are riparian). Although limited to just a few individuals, western sycamore and yellow willow (*salix* cf. *lutea*) are located in the drainage; however they do not extend beyond the top of the bank.

A map of the habitats on the site was also prepared by the biological consultant (Exhibit 13). Commission staff visited the subject property in June 2008 and confirmed that, with the exception of the disturbed graded pad area on the southwest corner and the northern portion of the lot where fuel modification has occurred as a result of adjoining existing residential development, the subject parcel is undisturbed and comprised of chaparral and riparian habitats within the stream drainage corridor. While there are scattered residential developments in the area, undisturbed, contiguous coastal sage scrub and chaparral habitat exist to the north and east of the building pad beyond the subject lot in the vicinity of the blue line stream and is continuous in the areas located to the east and northeast. Therefore, the contiguous chaparral portion of the site in the vicinity of the blue line stream and the riparian vegetation on site is considered an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act.

According to public information, the one of the applicants purchased the subject parcel in 2005 for \$900,000 while the other received in 2007 an undivided interest as a joint tenant and as a gift from a relative. The parcel was designated in the Los Angeles County Land Use Plan for residential use. The site's land designation in the Los Angeles County Land Use Plan is Rural Land III, which allows for one unit per 2 acres. The parcel is 2.77-acres in size, and there are other residential developments in the same area. Public parkland has been acquired in the general vicinity, within the Santa Monica Mountains by the Santa Monica Mountains Conservancy and the State of California, but there is no parkland or public open space directly adjacent to the project site (although there are significant areas of parkland nearby to the south and east). There is currently no offer to purchase the subject property from any public park agency.

The project has been designed to place all structures on the previously graded flat pad adjacent to Puma Road. The proposed development area, including the driveway, is calculated by the applicant's engineer to measure approximately 13,100 square feet (**Exhibits 3 & 14**). In order to minimize impacts to ESHA associated with fuel modification, Commission staff requested that the applicant evaluate a project alternative that reduced the size of the landscape area and move the pool and a barbeque closer to the proposed residence to eliminate any expansion of the previously approved building pad with fill towards the north, as originally proposed, where the blue line stream is located. In addition, Staff further requested the applicant to relocate the first floor gym/second floor guest house and a stairway in order to reduce the development envelope to ensure all the development would be located outside the open space easement area protecting the riparian corridor of Little Dark Creek. As a result, the proposed development will be entirely located on the approved 13,100 sq. ft. building pad and beyond the open space easement area.

This shift would result in increased overlapping fuel modification zones with the adjacent residence to the west and a future residence on the existing graded pad located to the south across Piuma Road, thereby reducing the amount of required new vegetation removal and thinning necessary to the north within the Little Dark Creek area. In addition, the applicant's Preliminary Fuel Modification Plan dated 9/10/2008 indicates that "Fuel Modification in riparian areas is limited to the removal of dead and downed wood and exotics". Therefore, the project will not result in the loss of any riparian habitat on site due to the project's construction or fuel modification requirements. There is a cluster of 4 oak trees located within the County of Los Angeles right of way along Piuma Road beyond the applicant's property. These oaks extend onto the southwest portion of the subject lot outside the proposed development area. The dripline of these oaks are at least 5 feet from the proposed concrete driveway and guest parking area located on the existing graded pad. Due to the size and configuration of the subject parcel with the blue line stream bisecting the subject lot in a southeast to northwest manner, the proposed revised building site on the existing graded pad adjacent to Piuma Road is the environmentally preferred alternative building site with the minimum necessary new fuel modification necessary within native chaparral ESHA vegetation.

The applicant's approved fuel modification plan (approved by the Los Angeles County Fire Department) shows the use of the standard three zones of vegetation modification. Zones "A" (setback zone) and "B" (irrigation zone) are shown extending in a radius of approximately 100 feet from the proposed structure. A "C" Zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones to the north and east of the structure. The applicant's Preliminary Fuel Modification Plan dated 9/10/2008 further specifies that "Fuel Modification in riparian areas is limited to the removal of dead and downed wood and exotics" and that "no planting or irrigation under existing oaks" is allowed. Thus, the only ESHA on site impacted by fuel modification requirements will be a relatively narrow strip of chaparral vegetation located between the riparian vegetation corridor located above the top edge of the bank and the existing building pad and an area of Zone C located northeast of the creek open space easement.

2. ESHA Designation on the Project Site.

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
 - a) whether any species or habitat that is present has a special nature, OR
 - b) whether any species or habitat that is present has a special role in the ecosystem;
- 3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are “yes”, the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission’s Ecologist, Dr. John Dixon¹ (hereinafter “Dr. Dixon Memorandum”), which is incorporated as if set forth in full herein.

Unfortunately, coastal sage scrub, chaparral, oak woodland and riparian habitats are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine stands of coastal sage scrub, chaparral, oak woodland, and riparian habitats are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission’s past findings in support of its actions on many permit applications and in adopting the Malibu LCP².

As described above, the project site contains chaparral and riparian woodland habitats that is part of a large, contiguous block of pristine native vegetation located beyond the subject lot to the east and northeast of the proposed building pad. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Accordingly, the Commission finds that the chaparral and riparian woodland habitats on the project site meets the definition of ESHA in the Coastal Act.

¹ The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

3. Resource Dependent Use.

The Commission finds that the area surrounding the project site constitutes an environmentally sensitive habitat area (ESHA). Section 30240 of the Coastal Act restricts development within ESHA to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence on the parcel. Although the residence will be located on the existing disturbed area on site and would not be located in ESHA, the associated fuel modification for the residence would extend into a narrow area of adjacent ESHA and an area of Zone C located northeast of the creek open space easement. As single-family residences do not have to be located within ESHA to function, single-family residences are not a use dependent on ESHA resources. Section 30240 also requires that ESHA be protected against significant disruption of habitat values. As the construction of a residence on the site will require both the complete removal of ESHA from the home site and fuel modification for fire protection purposes around it, the proposed project would also significantly disrupt the habitat value in those locations. Application of Section 30240, by itself, would therefore require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources.

However, the Commission must also consider Section 30010, and the United States Supreme Court's decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner that will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what sort of government action results in a "taking" was addressed by the Court in the *Lucas* case. In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Other Supreme Court precedent establishes that another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

The Commission interprets Section 30010, together with the *Lucas* decision, to mean that if Commission denial of the project would deprive an applicant's property of all reasonable economic use, the Commission may be required to allow some development even if a Coastal Act policy would otherwise prohibit it, unless the proposed project would constitute a nuisance under state law. In other words, Section 30240 of the Coastal Act cannot be read to deny all economically beneficial or productive use of land because Section 30240 cannot be interpreted to require the Commission to act in an unconstitutional manner.

As described above, the subject lot was designated in the Los Angeles County Land Use Plan for residential use. Residential development has previously been approved by the Commission on sites in the immediate area. At the time the applicants purchased the lot, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on these facts, along with the presence of existing and approved residential development in the area, the applicants had reason to believe that they had purchased a lot on which it would be possible to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. There is currently no offer to purchase the property from any public park agency. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the project site would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the project site would create a nuisance under California law. Other houses have been constructed in similar situations in similar habitat areas in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance.

In conclusion, the Commission finds that, notwithstanding Section 30240, a residential project on the subject property must be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

4. Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values

While the applicant is entitled under Section 30010 to an assurance that the Commission will not act in such a way as to "take" the property, this section does not authorize the Commission to avoid application of the policies of the Coastal Act, including Section 30240, altogether. Instead, the Commission is only directed to avoid construing these policies in a way that would take property. Aside from this instruction, the Commission is still otherwise directed to enforce the requirements of the Act. Therefore, in this situation, the Commission must still assure compliance with Section 30240 by avoiding impacts that would significantly disrupt and/or degrade environmentally sensitive habitat, to the extent this can be done without taking the property.

Obviously, the construction of residential development, including vegetation removal for both the development area as well as required fuel modification, grading, construction of a residence and accessory structures, and the use of the development by residents will result in unavoidable loss of ESHA. The development can be sited and designed to

minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible. In past permit actions, the Commission has allowed up to 10,000 sq. ft. of development area for a residence on a parcel zoned for residential development in this area of the Santa Monica Mountains to avoid a taking of property. In past permit actions, the Commission has requested that all flammable structures be clustered within a 10,000 sq. ft. development area, even where a larger flat pad exists in order to minimize impacts to ESHA due to fuel modification requirements. As detailed above, the proposed development area will be limited to the existing 13,100 sq. ft. graded development pad approved by the Commission in 1983 under Coastal Permit No. 5-83-004. All proposed structures are located within this 13,100 sq. ft. development area. However in this case a smaller development area would not reduce impacts to ESHA as the fuel modification for the development of a 10,000 sq. ft. pad vs. a 13,100 sq. ft. pad are the same as the fuel modification between the development pad and the top bank of the riparian corridor is relatively narrow. As noted above, no fuel modification is required for the riparian corridor except for the removal of dead and downed wood and exotics as noted above on the Los Angeles County approved fuel modification plan.

Further, in order to minimize impacts to ESHA associated with fuel modification, Commission staff requested that the applicant evaluate a project alternative that reduced the size of the landscape area and move the pool and a barbeque closer to the proposed residence to eliminate any expansion of the previously approved building pad with fill towards the north where the blue line stream is located. In addition, Staff requested the applicant to move the first floor gym/second floor guest house and a stairway further west outside the open space easement area protecting the riparian corridor of Little Dark Creek. As a result, the proposed development will be entirely located on the existing 13,100 sq. ft. building pad and beyond the open space easement area. As such, the Commission concludes that the proposed siting and design of the project will minimize impacts to ESHA to the extent feasible. The Commission also finds that the proposed development area provides a reasonable economic use.

5. Habitat Impact Mitigation

While impacts resulting from development within ESHA can be reduced through siting and design alternatives for new development and by ensuring that the remaining ESHA on the site is permanently protected, they cannot be completely avoided, given the location of ESHA on and around the project site, the high fire risk in the Santa Monica Mountains, and the need to modify fuel sources to protect life and property from wildfire.

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The

amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to ESHA habitat of four to five acres. In this case, the existing building pad area is 13,100 square feet as approved in Coastal Permit No. 5-83-004. In addition, the applicant's Preliminary Fuel Modification Plan dated 9/10/2008 indicates that "Fuel Modification in riparian areas is limited to the removal of dead and downed wood and exotics". Therefore, no fuel modification other than the removal of dead or downed wood and exotics is allowed with the riparian woodland ESHA located within the open space easement area along Little Dark Creek (Exhibit 4). However, fuel modification requirements will still result in the removal of some chaparral vegetation located between the riparian habitat within the creek corridor and the existing development pad and the thinning of chaparral vegetation within an area of Zone C located northeast of the creek open space easement. Therefore, the project will result in the unavoidable loss of chaparral habitat.

Obviously, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the Dr. Dixon Memorandum, the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value. Although the impacts from habitat removal cannot be avoided, the Commission finds that the loss of ESHA resulting from the removal, conversion, or modification of natural habitat for new development including the building site area, and fuel modification can be mitigated in order to ensure that ESHA impacts are minimized to the extent feasible.

The Commission has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and the payment of an in-lieu fee for habitat conservation. The Commission finds that any of these measures is appropriate in this case to mitigate the loss of ESHA on the project site. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A

restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement.

The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for other development projects that impact ESHA.

The third habitat impact mitigation option is the payment of an in-lieu fee for habitat conservation. The fee is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate fee for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc.

The Commission has determined that the appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The in-lieu fee found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the "A" zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the "B" zone or any other irrigated zone required for fuel modification) is \$12,000 per acre. Further, the Commission has required a fee of \$3,000 per acre for areas where the vegetation will be thinned, but not irrigated ("C" zone or other non-irrigated fuel modification zone).

The acreage of ESHA that is impacted must be determined based on the size of the development area, required fuel modification (as identified on the fuel modification plan approved by the Los Angeles County Fire Department) on the site, and required brush clearance off-site. The Commission finds that it is necessary to require the applicant to delineate the total acreage of ESHA on the site (and offsite brush clearance areas, if applicable) that will be impacted by the proposed development, and provide mitigation to compensate for this loss of habitat, through one of the three methods described above, and required by **Special Condition Seven (7)**. Only as conditioned will the proposed project minimize impacts to ESHA, pursuant to Section 30240 of the Coastal Act.

7. Additional Mitigation Measures to Address Additional ESHA Impacts

The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and mitigation for that effect was discussed in the previous section. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. This sort of impact was not addressed in the prior section. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that are not directly and immediately affected by the proposed development, **Special Condition Two (2)** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

In addition, the Commission has found that night lighting of ESHA areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, **Special Condition Six (6)**, Lighting Restriction, limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA and wildlife migration corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing to the building pad. Further, fencing shall not extend into the open space easement area recorded as document number 85-844019. The limits of fencing are required to be shown on the landscaping plan required in **Special Condition Two (2)**.

In addition, the proposed project is conditioned to also implement a pool and spa drainage and maintenance plan to prevent uncontrolled drainage of the proposed swimming pool and spa such that drainage of water does not result in discharge of chemically treated water to coastal streams and drainages. The pool and spa drainage and maintenance plan, as detailed in **Special Condition No. Ten (10)** requires the applicant to submit a written pool and spa maintenance plan that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner such that any runoff or drainage from the pool will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, **Special Condition No. Ten (10)** prohibits discharge of pool and spa water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

Finally, the Commission finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to existing single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, including any new stairways connecting the first floor gym with the second floor guest house, that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition Eight (8)**, the future development restriction, has been required.

Finally, **Special Condition Nine (9)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

D. WATER QUALITY

Section 30231 of the Coastal Act states that:

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 with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality resulting from drainage runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site, including: 1) sizing post-construction structural BMPs to accommodate (infiltrate, filter, or otherwise treat) the runoff from all storms up to and including the 85th percentile storm runoff event; 2) implementing erosion control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

- Special Condition 2: Landscaping and Erosion Control Plans
- Special Condition 3: Drainage and Polluted Runoff Control Plans
- Special Condition 4: Removal of Natural Vegetation

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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 surrounding areas, 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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of visual resources. The Coastal Commission, as guidance in the review of development proposals in the Santa Monica Mountains, has applied these policies.

- P91** *All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*
- P125** *New development shall be sited and designed to protect public views from LCP- designated highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on a sloped terrain should be set below road grade.*
- P129** *Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.*
- P130** *In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:*
- Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LUP.*
 - Minimize the alteration of natural landforms*
 - Be landscaped to conceal raw cut slopes*
 - Be visually compatible with and subordinate to the character of its setting.*
 - Be sited so as to not significantly intrude into the skyline as seen from public viewing places.*
- P131** *Where feasible, prohibit placement of structures that will break the ridgeline views, as seen from public places*
- P134** *Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.*
- P142** *New development along scenic roadways shall be set below the road grade on the down hill side wherever feasible, to protect designated scenic canyon and ocean views.*

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. In the review of this project, Commission staff analyzed the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. Staff examined the building site, the size of the proposed structure, and alternatives to the size, bulk and scale of the structure. The development of the residence raises the issue of whether or not views from public roadways or public viewing areas will be adversely affected.

The subject site is adjacent to existing residential development located to the west and north. There are vacant residential lots located to the east and to the south along Piuma Road. The Backbone Trail runs east to west as close as approximately 300 feet

south and across Piuma Road and approximately 75 feet above the elevation of the project site. The proposed building pad is located as close to Piuma Road as possible to minimize adverse impacts on a blue line stream and the chaparral and limited riparian habitat within the stream. The two story 28 foot high residence will be visible from both Piuma Road and the Backbone Trail. However, the residence is partially screened by 4 existing mature oak trees from Piuma Road and the top of the residence is located below the grade of the Backbone Trail by approximately 50 feet. Visibility of the residence will be limited from public lands located to the south and east due to the distance from the project site. In addition, the residence will be colored an earthen tone to blend with the color of the surrounding environment as required by **Special Condition No. 5**. As a result, the visibility of the proposed residence will be limited and mitigated to protect public views from public roads and trails.

In order to reduce visual impacts, the applicant has responded to the Staff's request to eliminate the proposed expansion of the existing graded pad to 13,500 sq. ft. by reducing the size of the landscaped yard on the north side of the residence and eliminate the originally proposed fill along the northern edge of the pad adjoining the stream channel. As a result of this revised project description, the applicant's civil engineer estimates that 150 yards of cut and 255 cubic yards of fill material is necessary to construct the proposed project. Further, the residence, guest house/gym, and garage have been clustered to further minimize landform alteration and the total development area to the existing 13,100 sq. ft. pad. As a result, the alteration of natural landforms has been minimized by this proposed revised project.

Since the project site would be visible from a public roadway, mitigation to address potential visual impacts is needed for the proposed residence. The visual impact of the proposed structures can be minimized by requiring these structures to be finished in a color consistent with the surrounding natural landscape and, further, by requiring that windows on the proposed residence be made of non-reflective glass. To ensure visual impacts associated with the colors of the structures and the potential glare of the window glass are minimized, the Commission requires the applicants to use colors compatible with the surrounding environment and non-glare glass, as detailed in **Special Condition Five (5)**.

Visual impacts can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition Two (2)** requires the applicants to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of **Special Condition 2** will soften the visual impact of the development from public view areas. To ensure that the final approved landscaping plans are successfully implemented, **Special Condition 2** also requires the applicants to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

Additionally, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains creates a visual impact to nearby scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, **Special Condition Six (6)** limits night lighting of the

site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. Additionally, the lighting restrictions will attenuate the impacts of unnatural light sources and reduce impacts to sensitive wildlife species that may move across the project site.

Finally, regarding future developments or improvements, certain types of development on the property, normally associated with a single-family residence, which might otherwise be exempt, have the potential to impact visual resources in this area. Thus, it is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. Therefore, **Special Condition Eight (8)**, the Future Development Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Further, **Special Condition Nine (9)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to visual resources by protecting public views to and along the coast, minimizing the alteration of natural landforms, and by being visually compatible with the character of the surrounding area. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act states:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

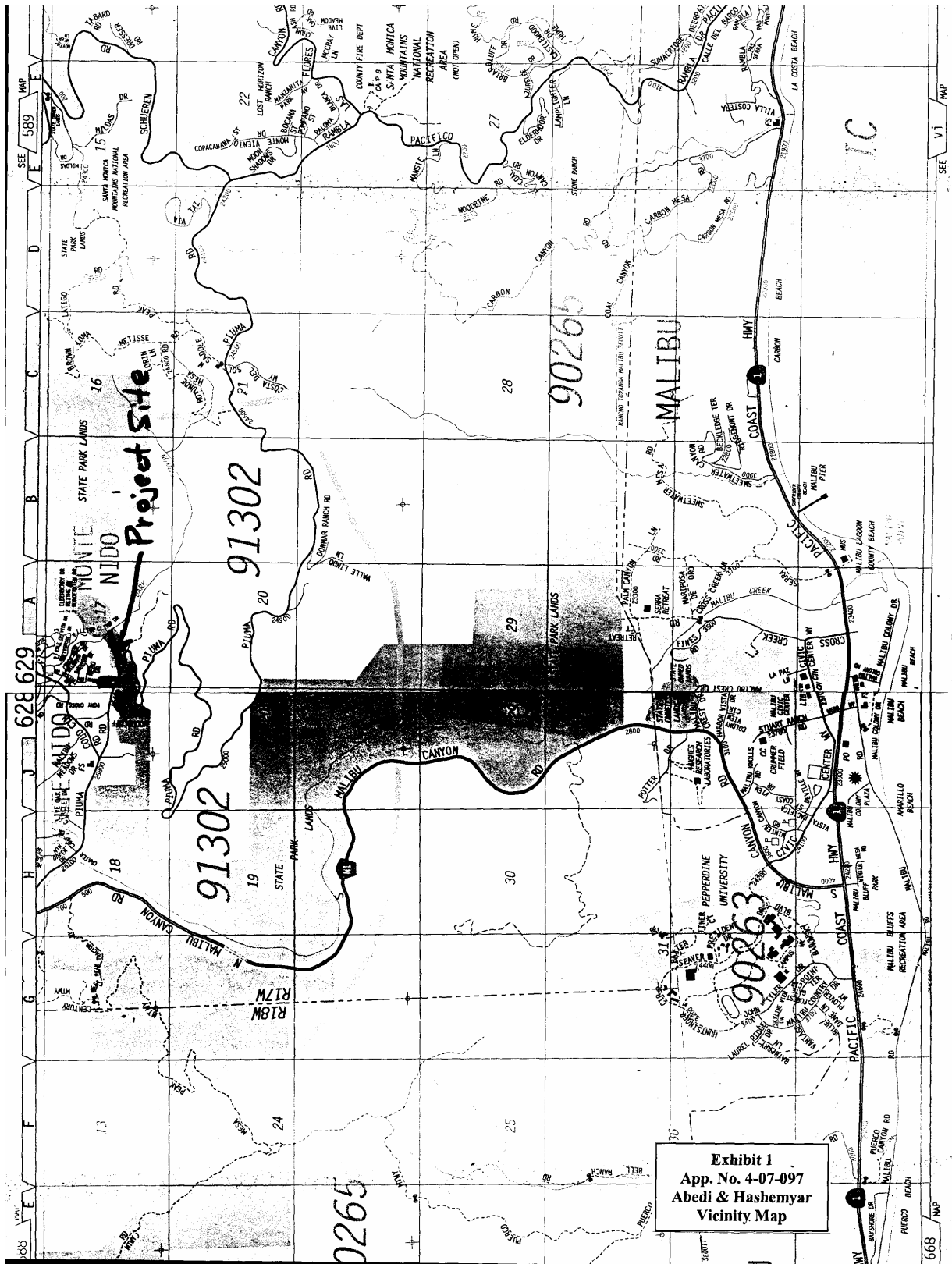
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and are accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not

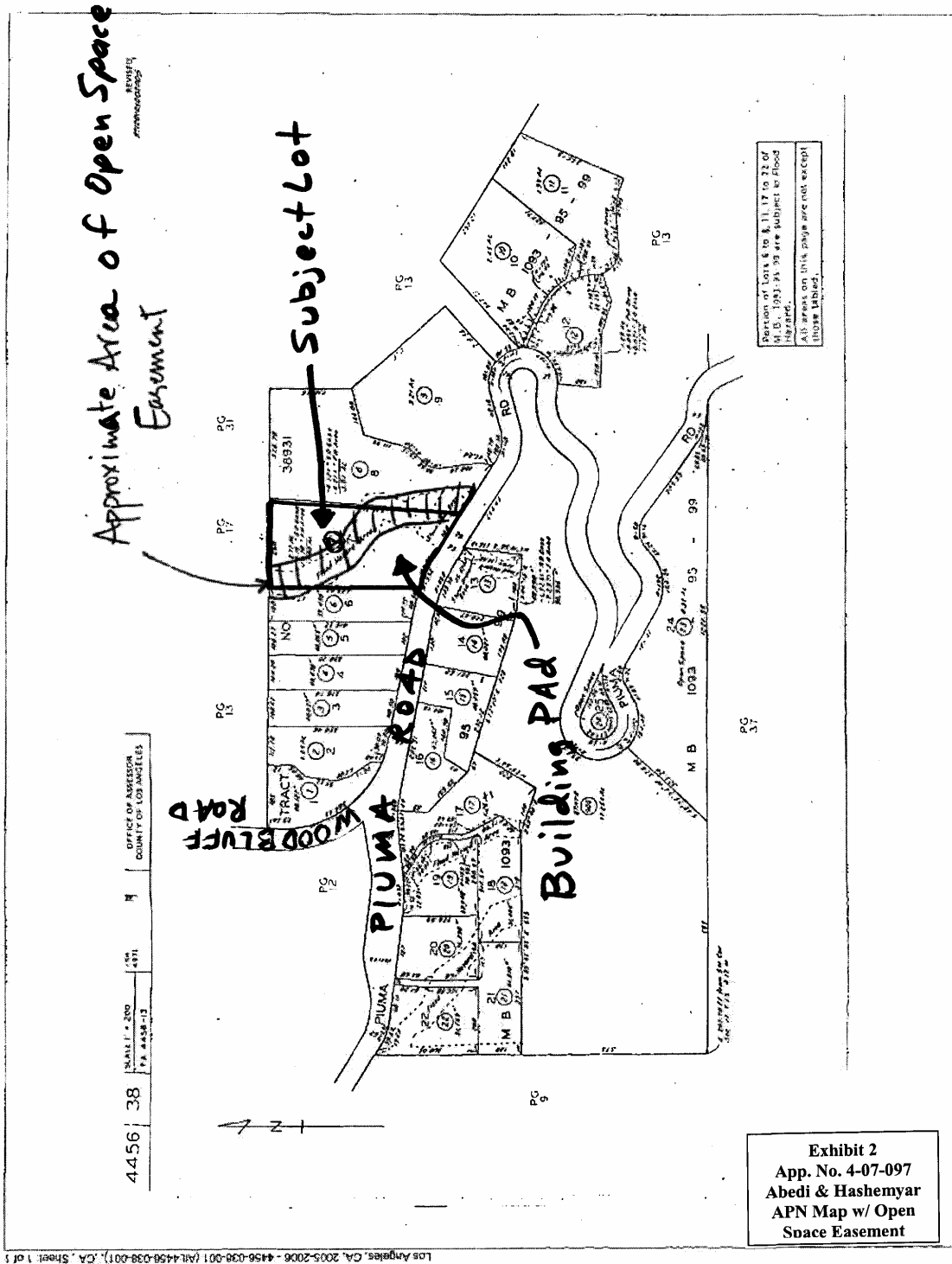
prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

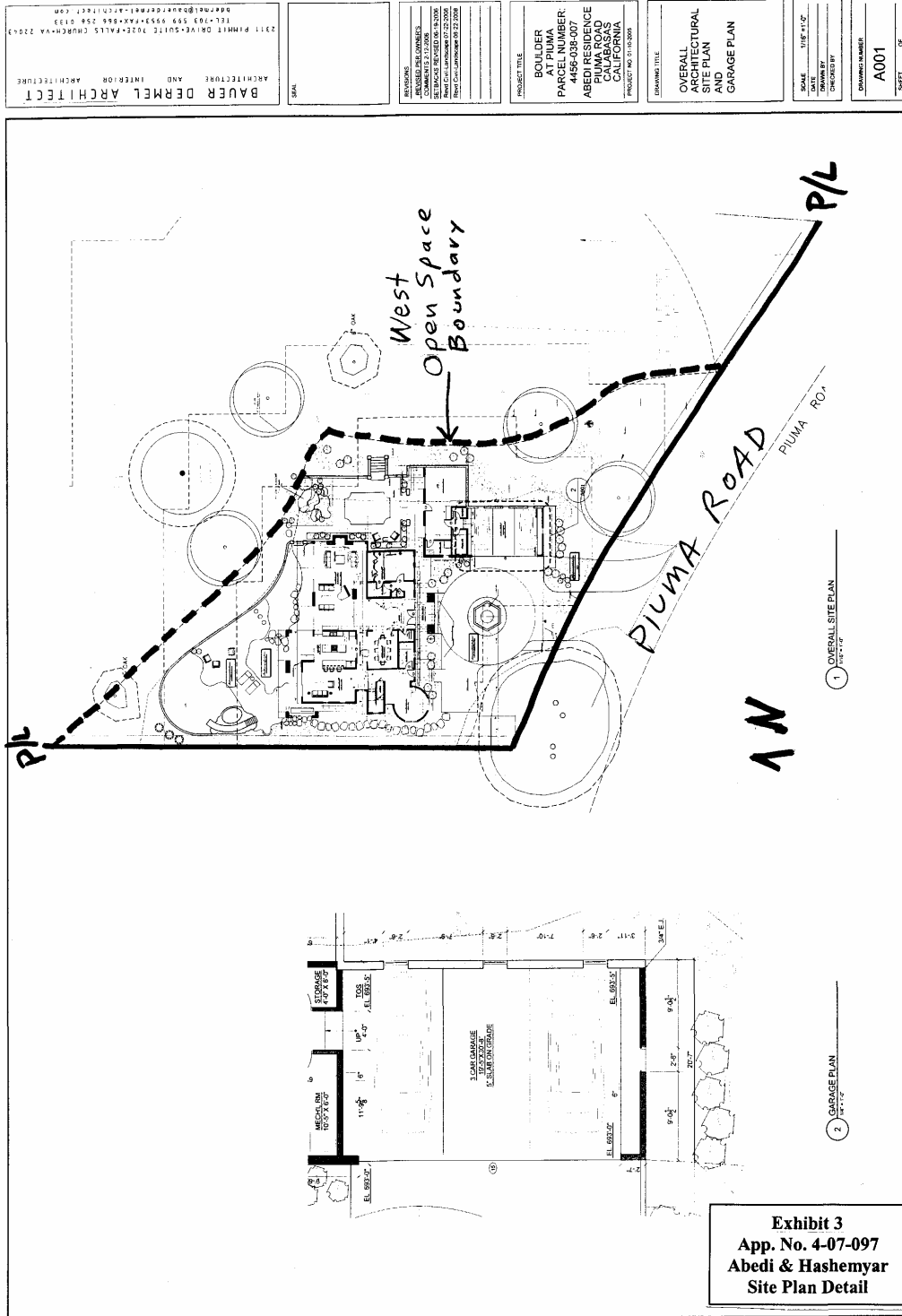
G. CEQA

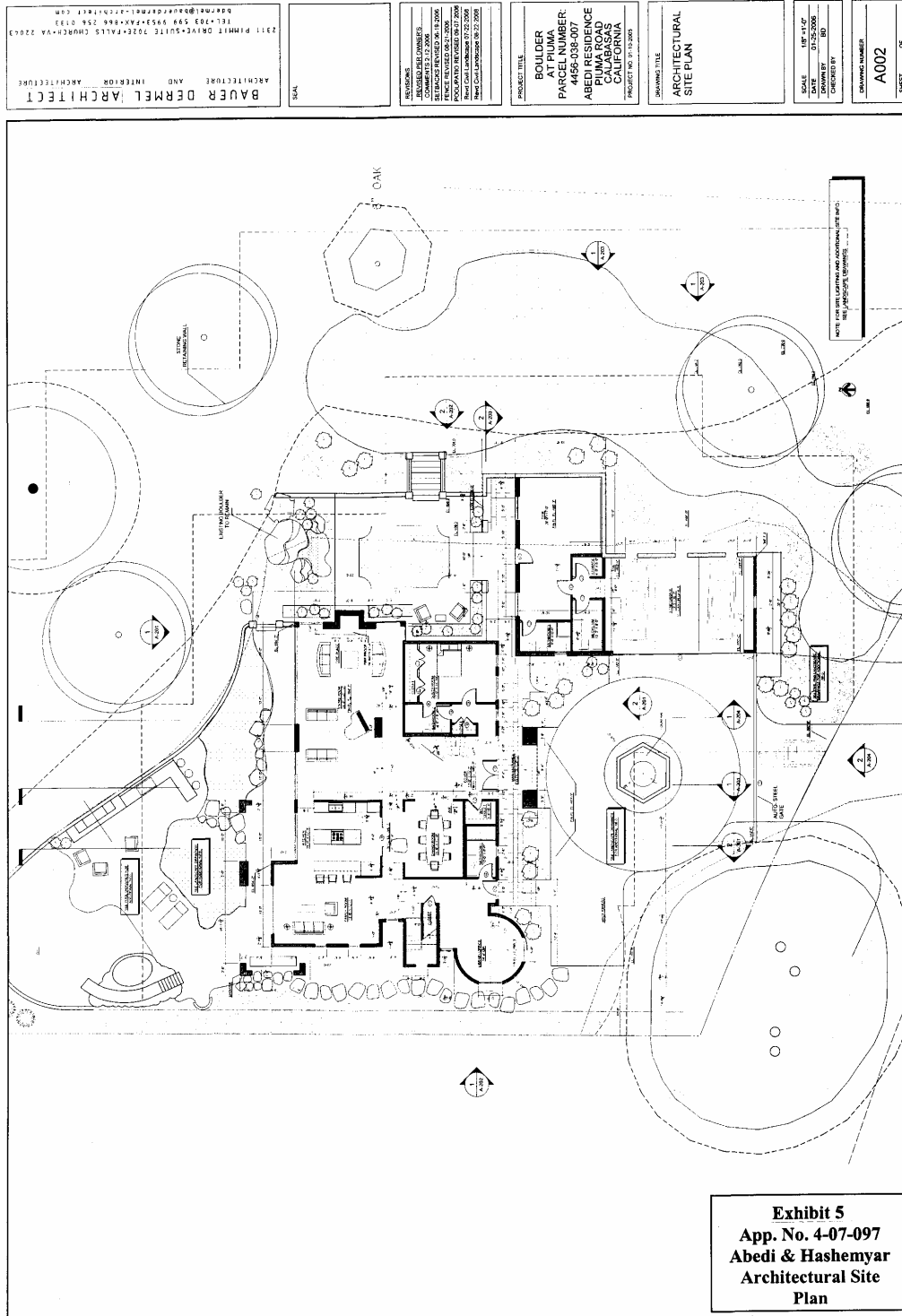
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

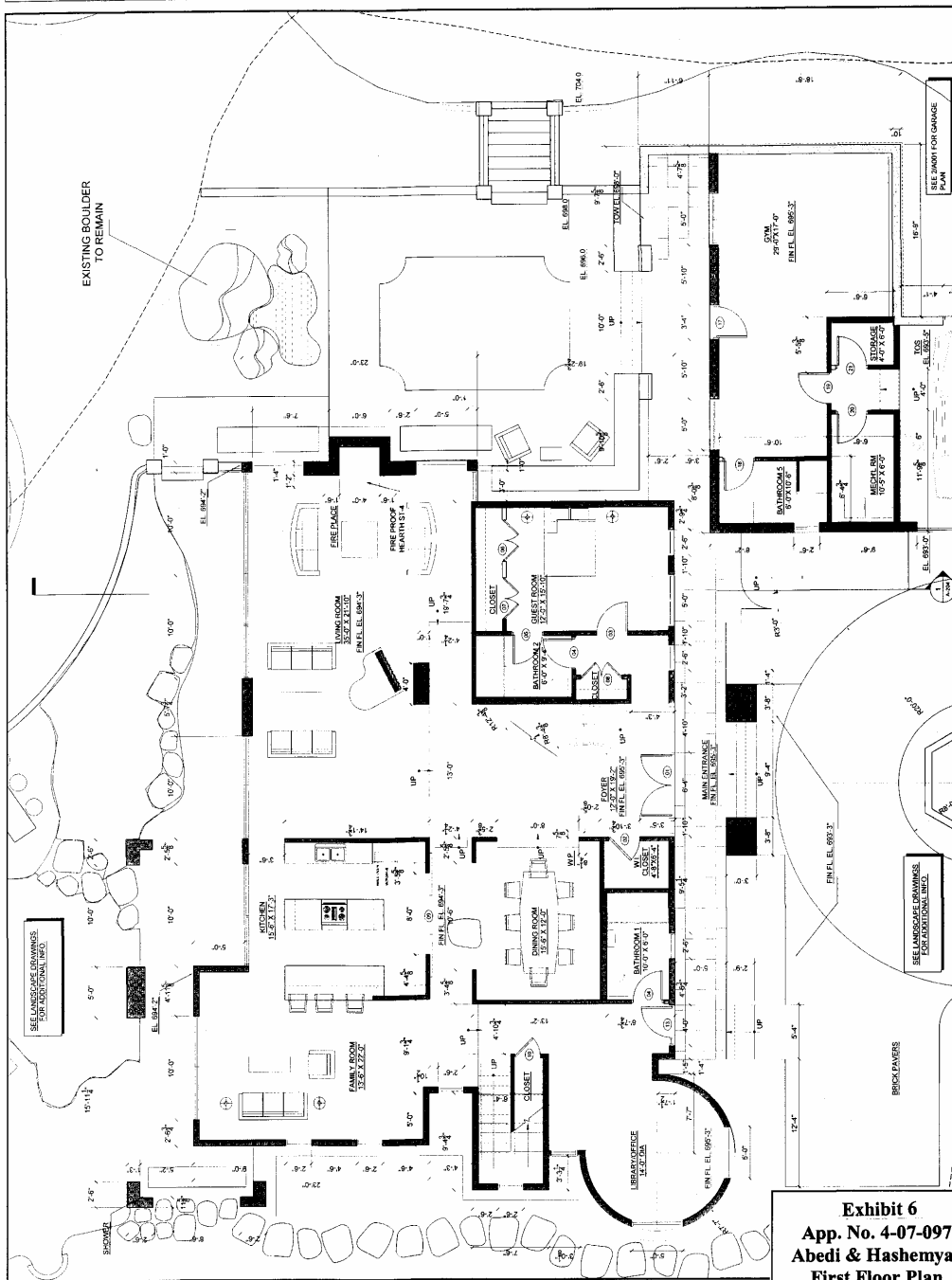
The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. Four types of mitigation actions include those that are intended to avoid, minimize, reduce, or compensate for significant impacts of development. Alternative sites for the development of the proposed project were identified and included in the proposed project location. Mitigation measures required as part of this coastal development permit include the avoidance of impacts to ESHA through clustering structures and prohibiting development outside of the approved development area. Mitigation measures required to minimize impacts include requiring drainage best management practices (water quality), interim erosion control (water quality and ESHA), limiting lighting (ESHA), restricting structure color (visual resources), requiring future improvements to be considered through a CDP, and employing non-chlorine water purification for the swimming pool (water quality). Finally, habitat impact mitigation condition is a measure required to compensate for impacts to ESHA. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

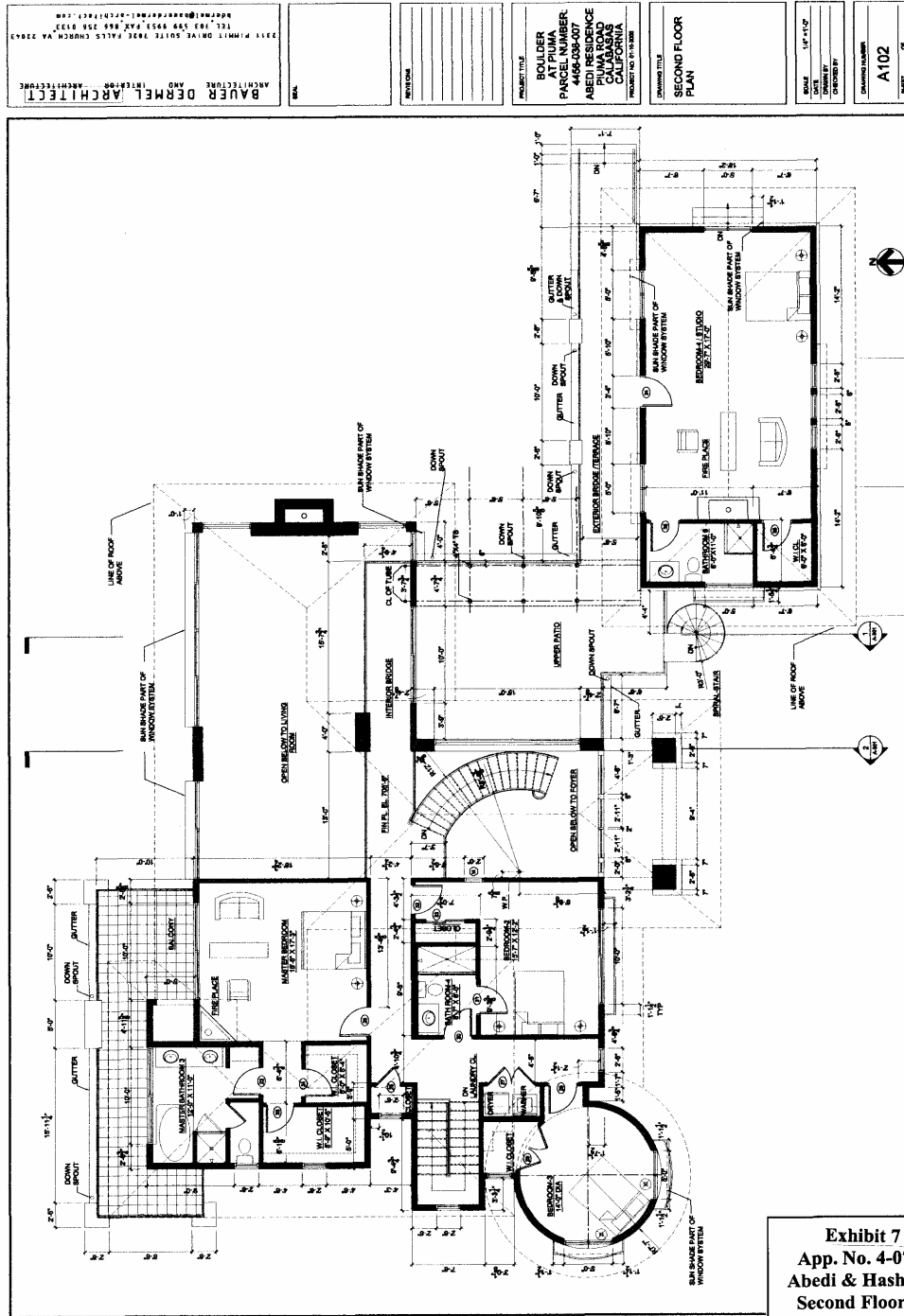




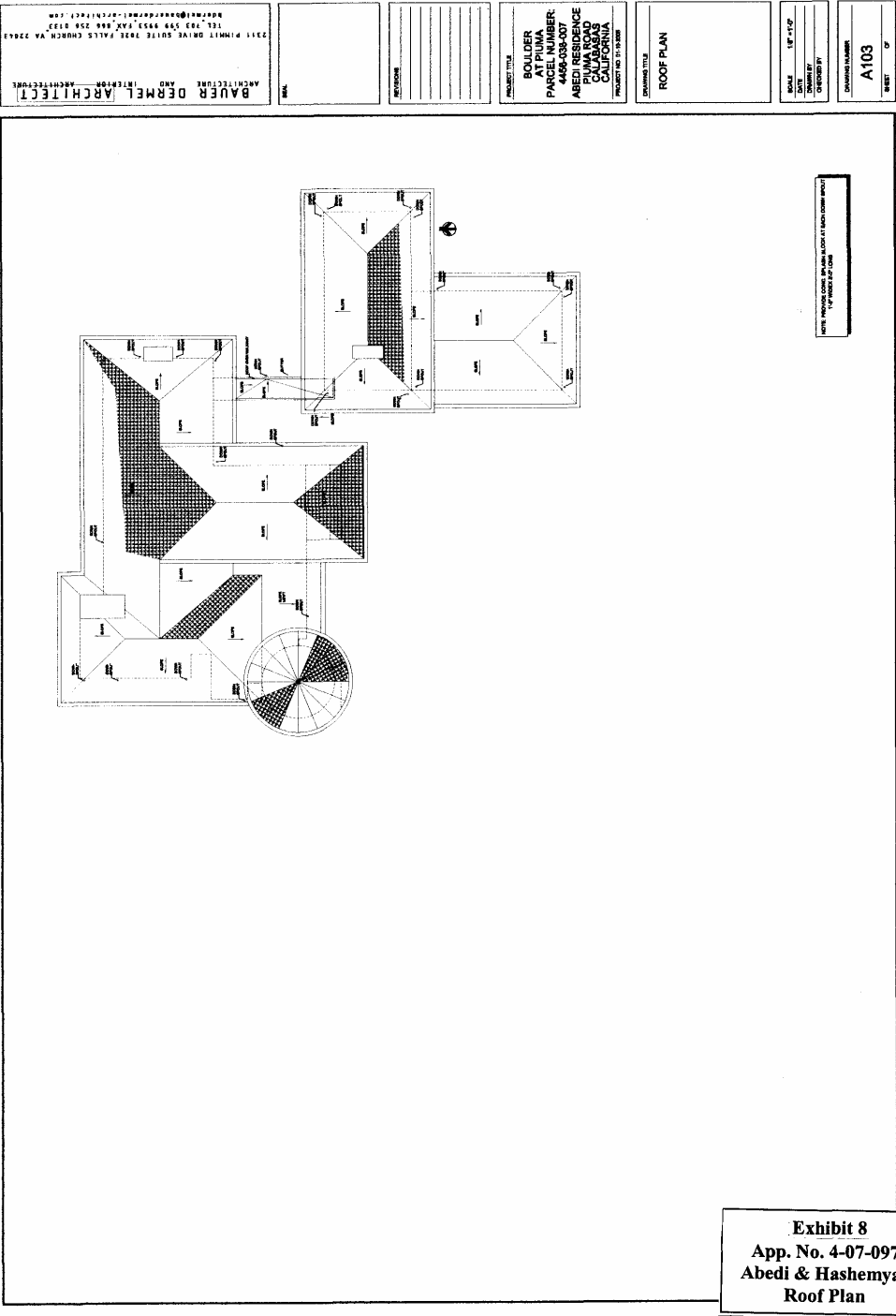








PROJECT TITLE BOULDER AT PLUMA PARCEL NUMBER 4408-098-007 ABEDI RESIDENCE 4408-098-007 CALIFORNIA PROJECT NO. 17-0000	DRAWING TITLE SECOND FLOOR PLAN	SCALE 1/4" = 1'-0" DATE 08/11/17 CHECKED BY [Signature]	DRAWING NUMBER A102 SHEET 01
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BAUER DERMAL ARCHITECT
ARCHITECTURE AND INTERIOR ARCHITECTURE
3201 PRIMIT DRIVE SUITE 200E FALLS CHURCH VA 22045
TEL: 703 598 9593 FAX: 703 598 9510
www.bauerdermal.com

PROJECT TITLE
BOULDER
AT PUMA
PARCEL NUMBER:
4469-038-007
ADDRESS: 10000 S. PUMA ROAD
CALABASAS
CALIFORNIA
PROJECT NO. 15-0005

CHARTERED TITLE
ELEVATIONS

SCALE
1" = 1'-0"
DRAWN BY
CHECKED BY
DATE

CHARTERED NAME
A 201

LEGEND

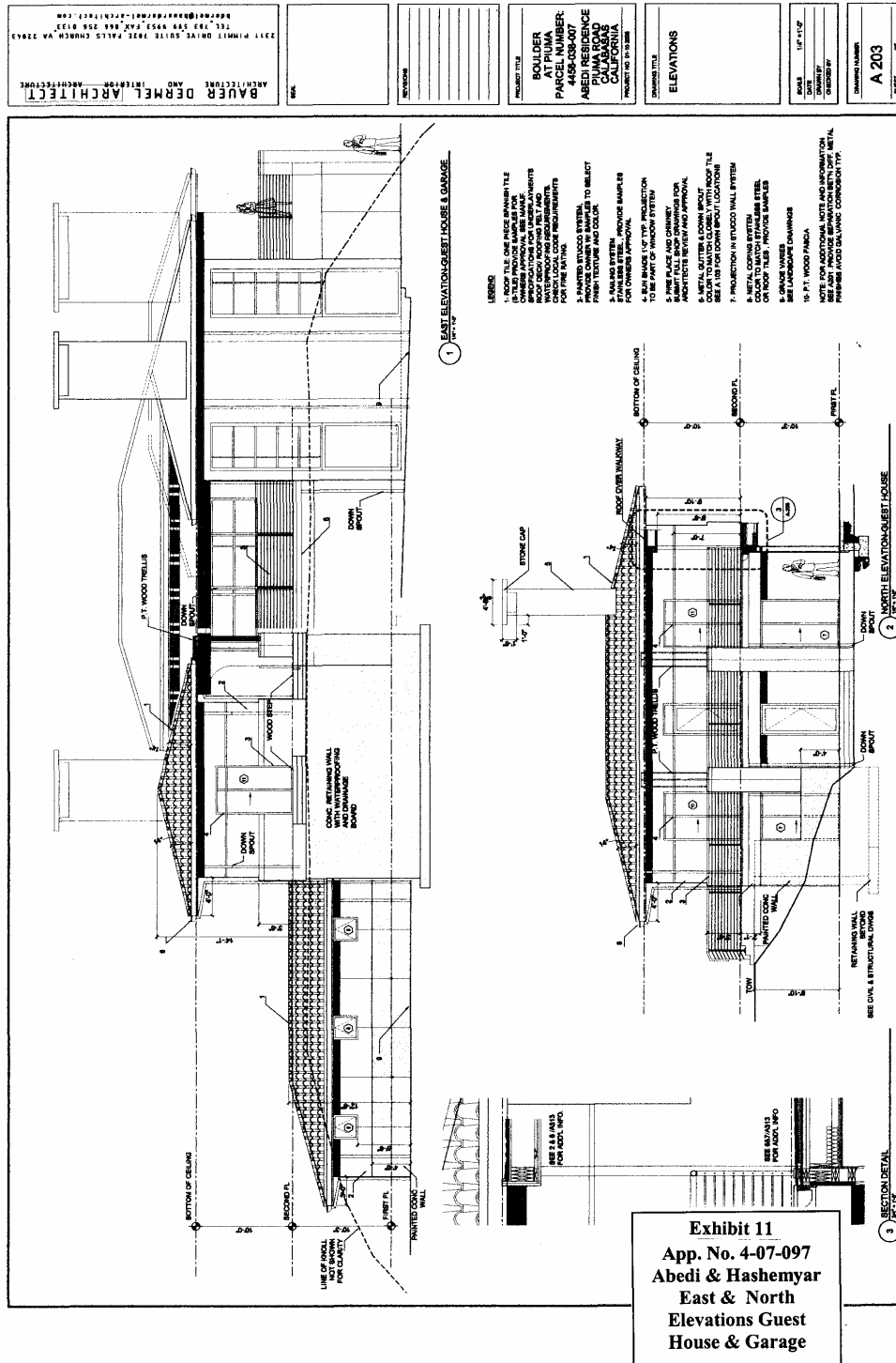
1. ROOF TILE ONE PIECE SPANISH TILE
OWNER APPROVAL SEE MANUSCRIPT DRAWING FOR DETAILS
2. PAINTED STUCCO SYSTEM
PRIME TEXTURE AND COLOR
FOR OWNER APPROVAL
3. WALLING SYSTEM
PRIME TEXTURE AND COLOR
FOR OWNER APPROVAL
4. SUN SHADE 1/2" TYP. PROJECTION
TO BE PART OF WINDOW SYSTEM
5. METAL GUTTER AND DOWNSPOUT
ARCHITECT REVIEW AND APPROVAL
SEE A 103 FOR DOWNSPOUT LOCATIONS
6. METAL CORPUS SYSTEM
COLOR TO MATCH STAINLESS STEEL
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7. 10-1/2" WOOD PARADE
ARCHITECT REVIEW AND APPROVAL
SEE A 103 FOR DOWNSPOUT LOCATIONS

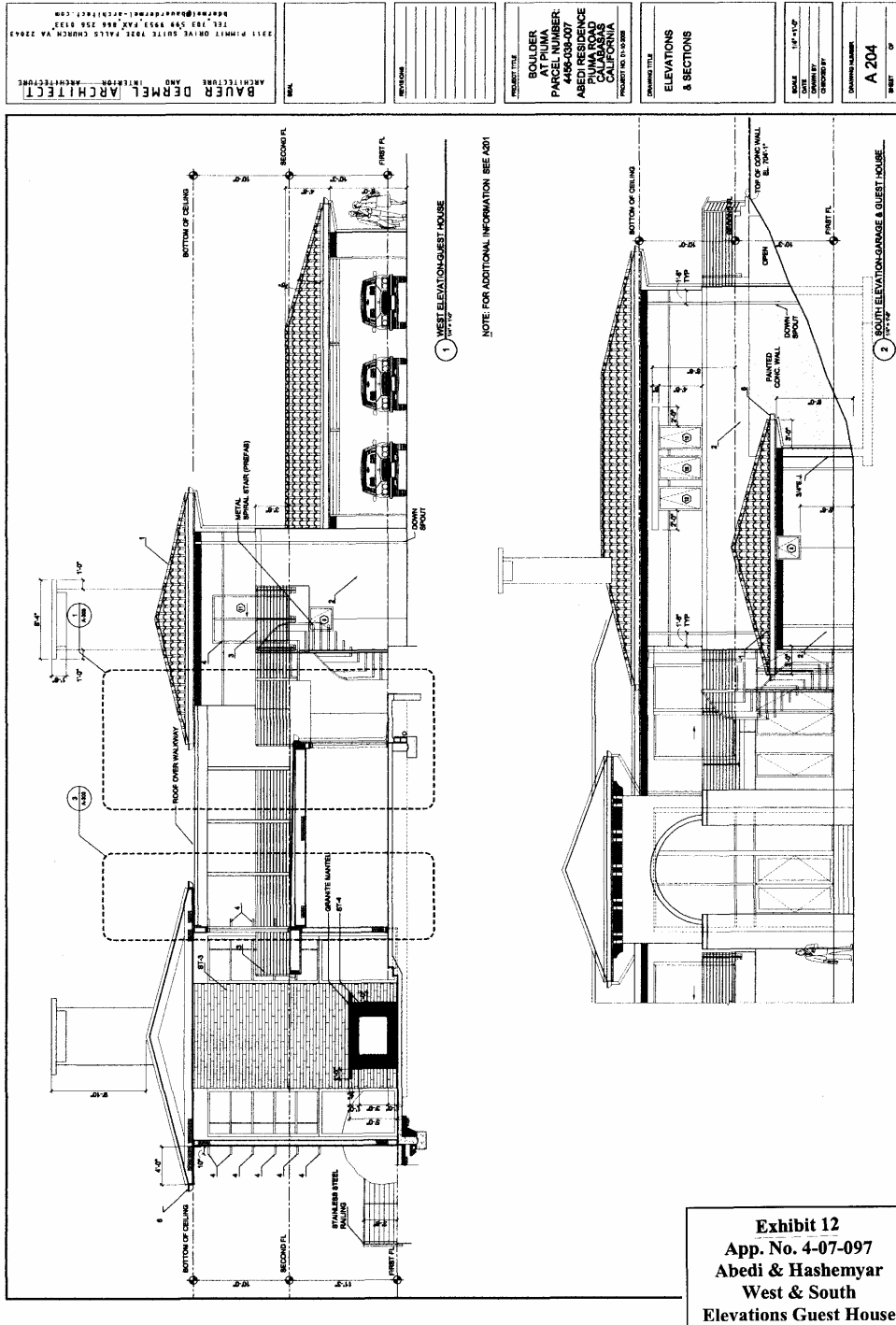
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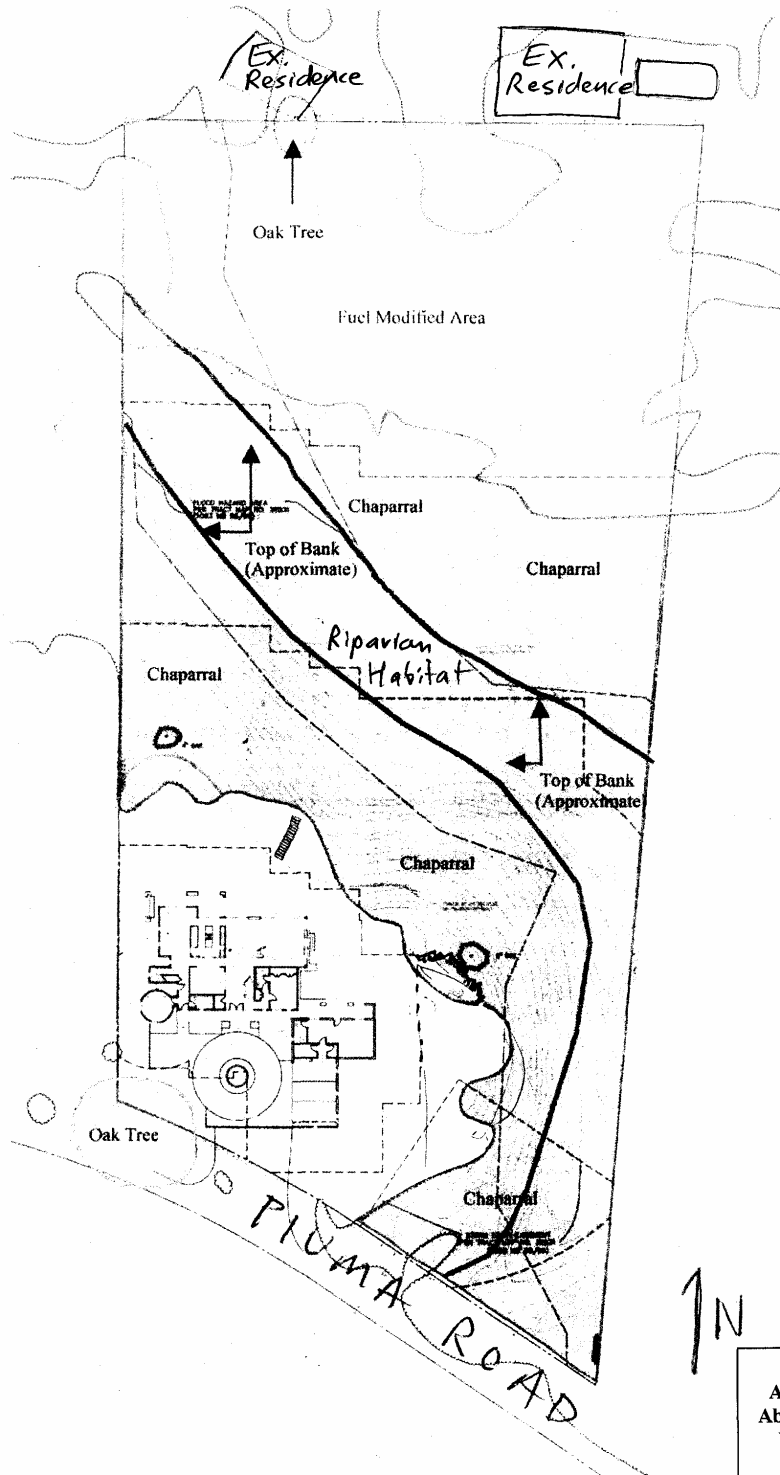
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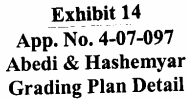
Exhibit 10
App. No. 4-07-097
Abedi & Hashemyar
West & East
Elevations





Natural Resources Map: APN: 4456-038-007





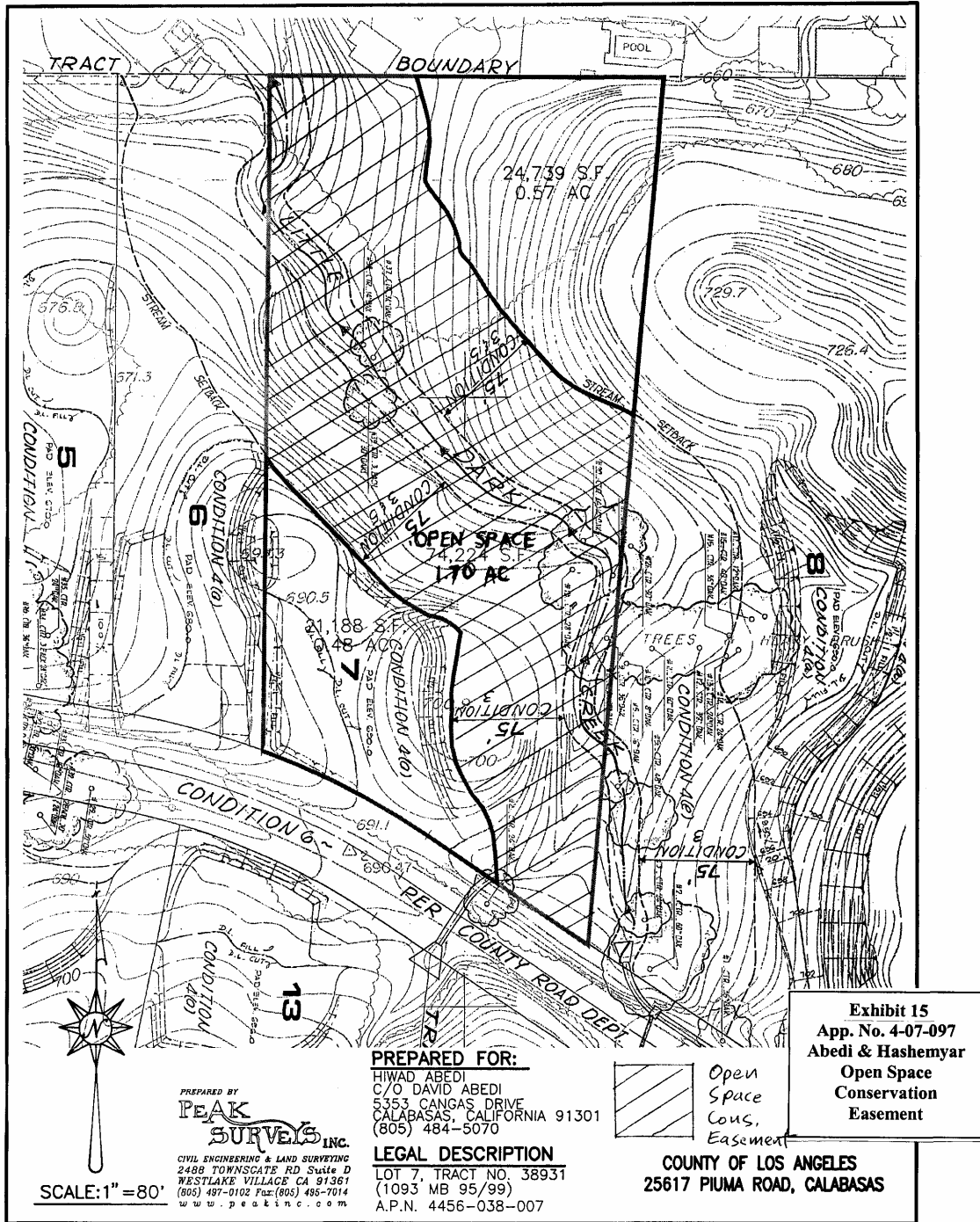




Exhibit 16
App. No. 4-07-097
Abedi & Hashemyar
2008 Aerial