

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Comm Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-07-066

APPLICANT: David Halbreich **AGENTS:** Wolf Knoringer, bau10, Peter Gonzales,
SC Planners

PROJECT LOCATION: 2818 Corralglen Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 29 1/2 foot high, 6,841 sq. ft. single family residence, attached 598 sq. ft., 3-car garage, 985 sq. ft. covered decks, pool, hot tub, driveway improvements, shared access road improvements, water tank, solar panel system, septic system, retaining walls, fencing with entrance gate, temporary construction trailer, restore approximately 150 lineal feet of existing roadway, and 3,224 cubic yards of cut grading and 1,569 cubic yards of fill grading, export 1705 cubic yards to disposal site located outside the coastal zone.

Existing Lot Area:	5.18 acres
Building Coverage:	4,620 sq. ft.
Paved Coverage:	12,385 sq/ft
Landscape Coverage:	14,450 sq/ft
Parking Spaces:	3
Max. Ht. Above Finish Grade:	29 1/2 ft.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the proposed project with **thirteen (13) special conditions** addressing: 1) plans conforming to geologic recommendation, 2) drainage and polluted runoff control plans, 3) landscaping and erosion control, 4) assumption of risk, 5) structural appearance, 6) lighting restriction, 7) removal of natural vegetation, 8) habitat impact mitigation, 9) future development restriction, 10) deed restriction, 11) open space conservation easement 12) finished grade survey, and 13) removal of temporary construction trailer.

The project site is located on a 5.18 acre lot on a site with a 2:1 to 3:1 east facing slope west of Corral Canyon Road and west of the community of El Nido within the Dry Canyon Watershed of the Santa Monica Mountains in Los Angeles County. The site is accessed from Corral Canyon Road, Sea Breeze Drive, Corralglen Drive to a shared private driveway accessing the subject site and adjoining parcels.

The subject parcel is triangular shaped and located on a north/south trending ridgeline which is designated as a "significant ridgeline" in the certified Malibu/Santa Monica Mountains Land Use Plan for Los Angeles County. The western portion of the parcel drains into the Solstice Canyon "significant watershed". The eastern portion of the parcel drains into Dry Canyon Creek, a tributary to Solstice Canyon Creek (Exhibits 1 & 2). At the request of staff, the applicant has relocated the proposed building site from the top of the ridgeline to a new location further downslope (well below the ridgeline) in order to minimize adverse impacts to public views. The top of the ridgeline is the highest point on the subject site at approximately 920 ft. in elevation above sea level. Slopes on site descend from the ridgeline to both the west and east. The east facing slope on site (where the residence is proposed) descends approximately 115 ft. in elevation from the top of the ridgeline to the lowest point on the property along the eastern property line, which is located at approximately 805 ft. in elevation above sea level. The westernmost point of the triangle-shaped lot is located approximately 200 feet from Solstice Canyon Park (National Park Service) and the public "Rising Sun Trail". The proposed building site located on the eastern side of the ridge (on the opposite side of the ridge from Solstice Canyon Park) and more than 500 feet to the east from the park and will not be visible from either this portion of Solstice Canyon Park or the "Rising Sun Trail". The building site will be visible from a different portion of Solstice Canyon Park located approximately 600 ft. to the south of the subject property. A portion of an existing dirt road on the subject site (which was constructed prior to the effective date of the Coastal Act) will be utilized as part of the new driveway. An approximately 150 linear ft. portion of the existing road which is not necessary to provide access to the residence is proposed to be restored as part of this application.

The subject parcel is undeveloped and vegetated with mixed chaparral intermixed with coastal sage scrub considered environmentally sensitive habitat area (ESHA), except for the existing dirt road. There are no oak trees on the property. The existing disturbed areas for the dirt road pre-date the effective date of the Coastal Act in 1977 and are not considered ESHA.

The subject lot is surrounded to the south, west, north, and east by larger lots predominantly covered with chaparral vegetation and constitute an environmentally sensitive habitat area. Although all parcels immediately adjacent to the subject site are undeveloped, some residential development has occurred within the general vicinity on properties to the northeast, east and southeast.

The applicant proposes to construct a two story, 29 1/2 foot high, 6,841 sq. ft. single family residence, attached 598 sq. ft., 3-car garage, 985 sq. ft. covered decks, pool, hot tub, driveway improvements, shared access road improvements, water tank, solar panel system, septic system, retaining walls, fencing, temporary construction trailer, restoration of approximately 150 lineal feet of existing dirt road. The proposed grading for the residence is 950 cu. yds. of cut and 100 cu. yds. of fill while the grading for the residence's access driveway is 1,450 cu. yds. of cut and 200 cu. yds. of fill and grading for restoration of the remainder of the existing driveway is 50 cu. yds. of cut and 750 cu. yds. of fill totaling 2,450 cubic yards of cut, 1,050 cubic yards of fill, 1,450 cubic yards of

export. The grading for the proposed improvements to the existing shared private access road from Corralglen Drive to the private driveway accessing the proposed residence is 774 cubic yards of cut, 519 cubic yards of fill and 255 cubic yards of export. Thus, the total grading for the project is 3,224 cubic yards of cut, 1,569 cubic yards of fill, and an export of 1,705 cubic yards of export to a disposal site located outside the coastal zone.

The residence is proposed to be “cut” into the slope to ensure the 29 ½ foot high structure with an additional 2 foot high chimney above the roof will be located entirely below the elevation of the ridgeline (which ranges from 914 to 929 foot elevation above sea level as viewed from Corral Canyon Road to the east. The proposed grade elevation for the two level building pad at the lowest point of the building pad is 885 ft. in elevation above sea level. This cut for the building pad is proposed to be about 10 feet deep into the slope at the western (upslope) edge of the building pad. The proposed grade elevation for the highest point of the building pad is 897 ft. in elevation above sea level. As proposed, the highest point of the roof will not exceed 911 ft. in elevation with the exception of the chimney which will not exceed 913 ft. in elevation above sea level. As a result, the highest point of the structure will be located below the ridgeline which is approximately 920 ft. in elevation above sea level (although portions of the ridge range between 914 – 929 ft. above sea level)..

The standard of review for this project is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

LOCAL APPROVALS RECEIVED: County of Los Angeles Fire Department Preliminary Fuel Modification Plan Approval and Fire Access Road Plan; County of Los Angeles Regional Planning Approval in Concept; Los Angeles County Department of Health Services approval for the septic system.

SUBSTANTIVE FILE DOCUMENTS: “Update Report 2818 Coral Glen Drive Malibu, California,” prepared by GeoConcepts, Inc., dated May 22, 2007; “Additional Exploration 2818 Coral Glen Drive Malibu, California”, prepared by GeoConcepts, Inc. dated June 17, 2005; “Supplemental Report No. 2 2818 Coral Glen Drive Malibu, California”, prepared by GeoConcepts, Inc. dated November 29, 2005 “Biological Assessment for 2818 Corralglen Drive, Malibu, California,” prepared by Steven Nelson, Consulting Biologist, January 2008.

STAFF RECOMMENDATION:

I. Approval with Conditions

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-07-066 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.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 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 property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geologic Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in "Update Report 2818 Coral Glen Drive Malibu, California," prepared by GeoConcepts, Inc., dated May 22, 2007 and "Additional Exploration 2818 Coral Glen Drive Malibu, California", prepared by GeoConcepts, Inc. dated June 17, 2005;. These recommendations, including recommendations concerning grading, foundations, slabs, excavations, sewage, retaining walls, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. 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. Drainage and Polluted Runoff Control Plans

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 applicant 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.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit 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 Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. 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. Within 30 days of the removal of the temporary trailer, these areas shall also be landscaped according to this plan. 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) Plantings shall also include vertical elements such as trees and shrubs along the south and east sides of the residence to partially screen this structure from public view from public roads and lands;
- 5) Vegetation on the subject parcel within 20 feet of the proposed residence may be removed to mineral earth, vegetation on the subject parcel within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. All vegetation removal and thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan for the subject parcel has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the 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.
- 6) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- 7) Fencing of the entire property is prohibited. Fencing shall extend no further than Zone B of the final fuel modification plan approved by the Los Angeles County Fire Department pursuant to subsection (5) above and in the vicinity of the access driveway. The fencing type and location shall be illustrated on the landscape plan and may include vehicular and pedestrian gates at the residence driveway accessing the shared driveway. 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 applicant 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 applicant 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 applicant, 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.

4. 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 and erosion; (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

5. Structural Appearance

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of Coastal Development Permit No. 4-07-066. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, private access driveway, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored 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. 4-07-066 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. Removal of Native Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 20-foot zone surrounding the proposed structure 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 approved pursuant to this permit.

8. Habitat Impact Mitigation

Prior to the 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 or oak woodland habitat (ESHA) that will be disturbed by the proposed development, including fuel modification and brush clearance requirements on the project site and 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 and/or oak woodland 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 applicant 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 applicant 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 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 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 applicant 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 applicant has executed and recorded a deed restriction (if the applicant is not the owner, then the applicant 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 applicant fails 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 applicant shall (or, if the applicant is not the owner of the habitat conservation site, then the owner 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 applicant 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 and/or oak woodland 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 and/or oak woodland habitat in the Santa Monica Mountains coastal zone.

9. Future Development Restriction

This permit is only for the development described in Coastal Development Permit No. 4-07-066. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to 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, garage, septic system, landscaping, fencing, and removal of vegetation or grading other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition Three (3), shall require an amendment to Coastal Development Permit No. 4-07-066 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. 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 applicant has 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.

11. Open Space Conservation Easement

No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved development area, within the portion of the property identified as the "open space conservation easement area", as shown in Exhibit 17 except for:

Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan required by Special Condition Three or other fuel modification plans required and approved by the Commission pursuant to a different CDP(s) issued by the Commission; drainage and polluted runoff control activities pursuant to Special Condition Two, and construction and maintenance of public hiking and equestrian trails, if approved by the Commission as an amendment to this coastal development permit or a new coastal development permit; and

construction and maintenance of roads, trails, and utilities pursuant to existing easements, if approved by the Commission in a new coastal development permit.

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority ("MRCA") on behalf of the people of the State of California an open space conservation easement over the "open space conservation easement area" described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on Exhibit 17. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

12. Finished Grade Survey

Prior to commencement of construction of the foundation for the residence, the applicant shall submit, for the review and approval of the Executive Director, a survey prepared by a qualified survey engineer, confirming the completed building pad grade for the lower building pad does not exceed 885 ft. in elevation above sea level and the completed building pad grade for the upper building pad does not exceed 897 ft. in elevation above sea level..

13. Temporary Construction Trailer

With the acceptance of this coastal permit, the applicants agree that the temporary construction trailer on the site shall be removed within two years of the issuance of this coastal development permit or within thirty (30) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of this trailers. Additional time may be granted by the Executive Director for good cause. The area where this trailer is located is also required to be landscaped according to the approved landscape plan within 30 days of the removal.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two story, 29 1/2 foot high, 6,841 sq. ft. single family residence, attached 598 sq. ft., 3-car garage, 985 sq. ft. covered decks, pool, hot tub, driveway improvements, shared access road improvements, underground water tank, 2,900 sq. ft. solar panel system roof mounted, septic system, retaining walls, fencing and entrance gate, temporary construction trailer, restoration of approximately 150 lineal feet of existing dirt road, and approximately 3,224 cubic yards of cut grading and 1,569 cubic yards of fill grading. The project also includes the export of all excess cut earth material (approximately 1,705 cubic yards of material) to a disposal site located outside the coastal zone (Exhibits 1- 20).

The grading for the residence is 950 cu. yds. of cut and 100 cu. yds of fill while the grading for the residence's access driveway is 1,450 cu. yds of cut and 200 cu. yds. of fill and grading for restoration of the remainder of the existing driveway is 50 cu. yds. of cut and 750 cu. yds. of fill totaling 2,450 cubic yards of cut, 1,050 cubic yards of fill, 1,450 cubic yards of export. The grading for the proposed improvements to the existing shared private access road from Corralglen Drive to the private driveway accessing the proposed residence is 774 cubic yards of cut, 519 cubic yards of fill and 255 cubic yards of export. (Exhibits 10-14). Thus, the total grading is 3,224 cubic yards of cut, 1,569 cubic yards of fill, and an export of 1,705 cubic yards of export to a disposal site located outside the coastal zone. The proposed retaining walls consist of three walls at the entry stairs ranging from 3 to 5 ½ feet high to 5 to 18 ft. long, at the western upper level of the residence as part of the residence structure one 12 ft. high and 46 feet long within the south elevation, and four walls at the hammerhead turnaround all 6 ft. high ranging from 18 to 46 feet long. Two retaining walls are proposed along the approximate 720 foot long shared driveway; one wall along the ascending slope is 220 feet long ranging from 4 to 6 feet high, the one wall along the descending slope is 520 feet long ranging from 1 to 2 feet high.

The project site is located on a 5.18 acre lot on a site with a 2:1 to 3:1 east facing slope west of Corral Canyon Road and southwest of the community of El Nido within the Corral Canyon Watershed of the Santa Monica Mountains in Los Angeles County. The site is accessed from Corral Canyon Road, Sea Breeze Drive, Corralglen Drive to a 720 foot long shared private driveway accessing the subject site and adjoining parcels.

The subject parcel is triangular shaped and located on a north/south trending ridgeline which is designated as a "significant ridgeline" in the certified Malibu/Santa Monica Mountains Land Use Plan for Los Angeles County. The western portion of the triangular parcel drains into the Solstice Canyon "significant watershed". The eastern portion of the parcel drains into Dry Canyon Creek, a tributary to Solstice Canyon Creek (Exhibits 1, 2 &16). At the request of staff, the applicant has relocated the proposed building site from the top of the ridgeline to a site on the eastern slope well below the ridgeline in order to minimize impacts to public views from Corral Canyon Road. The top of the ridgeline is the highest point on the subject site at approximately 920 ft. in elevation above sea level. Slopes on site descend from the ridgeline to both the west and east. The east facing slope on site (where the residence is proposed) descends

approximately 115 ft. in elevation from the top of the ridgeline to the lowest point on the property along the eastern property line, which is located at approximately 805 ft. in elevation above sea level. The westernmost point of the triangle-shaped lot is located approximately 200 feet from Solstice Canyon Park (National Park Service) and the public "Rising Sun Trail". The proposed building site located on the eastern side of the ridge (on the opposite side of the ridge from Solstice Canyon Park) and more than 500 feet to the east from the park and will not be visible from either this portion of Solstice Canyon Park or the "Rising Sun Trail". The building site is also located about 600 feet to the north from another portion of Solstice Canyon Park which is located to the south extending to Corral Canyon Road. A portion of an existing dirt road on the subject site (which was constructed prior to the effective date of the Coastal Act) will be utilized as part of the new driveway. An approximately 150 linear ft. portion of the existing road which is not necessary to

The residence is proposed to be "cut" into the slope to ensure the 29 ½ foot high structure with an additional 2 foot high chimney above the roof will be located below the elevation of the ridgeline behind the residence and immediately to the west of the residence which ranges from 914 to 929 foot elevation above sea level on the subject parcel as viewed from a roadway turnout along Corral Canyon Road which is across Dry Canyon Creek on the western flank of Dry Canyon. The proposed grade elevation for the lowest point of the two level building pad is 885 ft. in elevation above sea level. This cut for the building pad is proposed to be about 10 feet deep into the slope at the western (upslope) edge of the building pad. The proposed grade elevation for the highest point of the building pad is 897 ft. in elevation above sea level. As proposed, the highest point of the roof will not exceed 911 ft. in elevation with the exception of the chimney which will not exceed 913 ft. in elevation above sea level. As a result, the highest point of the structure will be located below the ridgeline which is approximately 920 ft. in elevation above sea level (although portions of the ridge range between 914 – 929 ft. above sea level).

The subject parcel is undeveloped and vegetated with mixed chaparral intermixed with coastal sage scrub considered environmentally sensitive habitat area (ESHA), except for the existing shared access road and private access driveway graded prior to the effective date of the Coastal Act in January 1977. There are no oak trees on the property. These existing disturbed areas pre-date the effective date of the Coastal Act in 1977 and are not considered ESHA.

B. Geologic and Wildfire Hazard

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

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.***

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted the following reports for the proposed development: "Update Report 2818 Coral Glen Drive Malibu, California," prepared by GeoConcepts, Inc., on May 22, 2007; "Additional Exploration, 2818 Coral Glen Drive (sic) Malibu, California", prepared by GeoConcepts, Inc., dated June 17, 2005; and "Supplemental Report No. 2, 2818 Coral Glen Drive (sic), Malibu, California", prepared by GeoConcepts, Inc., dated November 29, 2005. These reports addresses the geologic conditions on the site, including drainage and maintenance, grading and earthwork, foundations, settlement, excavations, retaining walls, slabs on grade, and sewage disposal.

The project site is located on a 5.18 acre lot on a site with a 2:1 to 3:1 east facing slope west of Corral Canyon Road and southwest of the community of El Nido within the Corral Canyon Watershed of the Santa Monica Mountains in Los Angeles County. The site is accessed from Corral Canyon Road, Sea Breeze Drive, Corralglen Drive to a shared private driveway accessing the subject site and adjoining parcels (Exhibits 1-3).

Elevations of the property range from 805 feet above sea level on the northeastern corner to about 929 feet at the top of the ridge on the northwestern portion of the parcel to 675 feet at the western top of the "triangle". The steepest portions of the site's topography are located on the western slope where no development is proposed.

The earthen materials observed on the property consist of fill, native soil, and the Calabasas Formation bedrock. According to the geologic consultant, no landslides, or adverse geologic structures are present onsite in the vicinity of the project site. Further, the geologic consultants have found the geology of the proposed project site to be suitable for the construction of a single-family residence and septic system.

The geologic and geotechnical reports for the residence and septic system include several recommendations to be incorporated into project construction, drainage and maintenance, grading and earthwork, foundations, settlement, excavations, retaining walls, slabs on grade, and sewage disposal to ensure the stability and geologic safety

for the proposed project site and adjacent properties. To ensure that the recommendations of the consultant have been incorporated into all proposed development, the Commission, as specified in **Special Condition One (1)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geologic report into all final design and construction, and to obtain the approval of the geotechnical consultant prior to commencement of construction.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions Two (2) and Three (3)**.

Further, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition Three (3)** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. **Special Condition Three (3)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Three (3)**.

Furthermore, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition Seven (7)**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by **Special Condition Seven (7)** avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

Special Condition Ten (10) requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as a restriction on the use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restriction are imposed on the subject property.

The Commission finds that the proposed project, as conditioned, will minimize potential geologic hazards on the project site and adjacent properties, as required by §30253 of the Coastal Act.

Wildfire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

In addition, the subject property is located east of property owned by the Santa Monica Mountains National Recreation Area (SMMNRA)/National Park Service (NPS), Solstice Canyon Park. The normally required fuel modification area around structures can extend up to a maximum of 200 feet and will not affect this park land due to the distance. **Special Conditions Three (3)** requires the applicant to submit a final fuel modification plan approved by the Los Angeles County Fire Department.

However, the Commission finds that potential hazards from wildfire can not be eliminated on the subject site. Thus, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Four (4)**, assumption of risk, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition Four (4), the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with §30253 of the Coastal Act.

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 subject site is located on the west of Corral Canyon Road and the El Nido small-lot subdivision along the western flank of Dry Canyon watershed and includes the significant ridgeline across a portion of the parcel. The project site descends steeply from the west side of the ridgeline into Solstice Canyon Park where Solstice Canyon Creek, a designated blue-line stream drains south. The eastern portion of the parcel descends less steeply to the east within the Dry Canyon Creek watershed, a blue line stream which leads south into Solstice Canyon Creek. The site is well vegetated with native chaparral and coastal sage scrub, and with the exception of the graded shared driveway and private driveway to the project site. The chaparral and coastal sage scrub vegetation on site was burned in the November 2007 Corral Canyon wildfire and is recovering at this time. The staff visited the project site on September 30, and November 5, 2008.

The applicant submitted the Biological Assessment, listed in the Substantive File Documents, which addresses the habitats present on the project site prior to the 2007 Corral Canyon wildfire which burned the subject site. . Exhibit **18** is a 2007 aerial photograph of the immediate area around the project site. The report identifies three vegetation/habitat communities on the project site. The report describes these habitats as follows:

Mixed Chaparral

Mixed chaparral is a plant community that is characteristically dominated by large evergreen shrubs that grow 6 feet or higher in height and often form a closed canopy. On site the dominate species include laurel sumac (Malosma laurina), bush mallow (Malacothamnus fasciculatus), and greenback ceanothus (Ceanothus spinosus).

Coastal Sage Scrub

*Intermixed with these [mixed chaparral] shrubs are generally large patches of coastal sage scrub vegetation dominated by California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), ashly-leaf buckwheat (*Eriogonum*) and California buckwheat (*Eriogonum fasciculatum*). The groundcover throughout the chaparral and sage scrub on site consists largely of native and non-native grasses and deerweed (*Lotus scoparius*) where openings between shrubs permit. .*

Disturbed Habitat

*Localized areas of intense disturbance are also present. These include an unimproved drive/roadway and cleared area where the proposed house is located. (Staff note; the applicant has revised the location of the residential building pad about 35 feet in elevation above sea level below the ridgeline.) In these areas bare ground and/or ruderal vegetation exists, consisting of non-native plant species that are highly adventitious and invasive. On site, such plants include brome grasses and red-stemmed filaree (*Erodium cicutarium*).*

According to public information, the applicant purchased the subject parcel in 2006 for \$1,100,000. The parcel was designated in the certified Malibu/Santa Monica Mountains Land Use Plan for residential use. Two land use designations apply to the property which are: Mountain Land II, that allows residential development at a maximum density of 1 dwelling unit per 20 acres of land and Rural Land II, that allows 1 dwelling unit per 5 acres. The parcel is 5.18 acres in size, and there are other scattered, residential developments in the same area. Public parkland has been acquired to the west and south in the vicinity, the Santa Monica Mountains National Recreation Area/Solstice Canyon Park, but there is no parkland or public open space directly adjacent to the project site (although there are significant areas of parkland quite nearby). There is currently no offer to purchase the property from any public park agency.

The project has been re-designed to place all structures in close proximity to the shared driveway leading from Corralglen Drive and to utilize the existing disturbed areas and roadway on site to the maximum extent feasible while also ensuring that the maximum height of the residence will not exceed the height of the adjacent ridgeline. Any alternative location on the site would require the removal of more native vegetation. Not including the area of the driveway or turnaround, the proposed development area is estimated by the applicant to measure approximately 9,000 sq. ft.. 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 structures. A "C" Zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones.

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, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands 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 areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily

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>

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 pristine mixed chaparral and coastal sage scrub habitat that is part of a large, contiguous block of pristine native vegetation located to the south, west, north and east. 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 mixed chaparral and coastal sage scrub habitat on the project site meets the definition of ESHA in the Coastal Act.

3. Resource Dependent Use.

The Commission finds that the project site (with the exception of the existing road/driveway on site) and the surrounding area 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. 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

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

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 parcel was designated in the certified Malibu/Santa Monica Mountains 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 applicant purchased the parcel, 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 applicant had reason to believe that it had purchased a parcel 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. As detailed above, the proposed development area conforms to the maximum development area of 9,000 sq. ft. All proposed structures are located within this development area. Although a smaller development area would reduce the ESHA loss somewhat, the reduction would not be significant. Nor are there other resources such as streams, riparian areas, or visual resources that would be protected by a smaller development 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. Open Space Conservation.

This project is inconsistent with Section 30240 of the Coastal Act, and is only being allowed to avoid a taking of private property for public use. The Commission finds that for the project to be consistent with Section 30240 to the maximum extent feasible, while providing a reasonable economic use, this project must constitute the maximum amount of ESHA destruction on the site and the remaining ESHA on the property must be preserved in perpetuity.

The Commission finds that the most effective way to assure ESHA preservation on the site is the granting of an open space conservation easement to the Mountains Recreation and Conservation Authority (a joint powers authority) that prohibits development on the remainder of the site now and in the future. The Mountains Recreation and Conservation Authority (MRCA) is a public agency that represents a partnership between the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The MRCA is dedicated to the preservation and management of open space, parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns or that are owned by the Santa Monica Mountains Conservancy. In the course of its normal duties, the MRCA park rangers and other staff are better able to monitor open space areas to ensure that the restrictions are followed than Commission staff. Further, an easement will be recorded against the title to the property and thus provide notice to future owners of the limitations that apply to the open space conservation area, reducing the risk of a future irreparable violation of the restriction. The governing board of the MRCA has agreed to accept all open space easements required by the Commission for properties within the Santa Monica Mountains National Recreation Area.

It is important that the property owner grant an easement to MRCA rather than simply record an open space deed restriction. Although a deed restriction should notify future owners of the restriction in the same manner that a recorded easement would, it would not be as effective in preserving the remaining ESHA for the following two reasons. First, a deed restriction is not as reliable because a property owner can record another document purporting to rescind the deed restriction. Although any attempt to rescind a deed restriction required by a coastal development permit ("CDP") without an amendment to that CDP authorizing such a rescission would constitute a violation of the CDP and the Coastal Act, the County Recorder's office is likely to allow recordation of a rescission without the required Coastal Commission authorization. Indeed, the Commission has experienced the phenomenon of property owners recording documents purporting to modify deed restrictions recorded pursuant to CDP requirements. See, e.g., Commission findings for CDP Amendment F7453-A2 (Stephenson), approved March 2005, and Violation File V-6-04-010 (Del Mar Estates). On the other hand, because an easement necessarily involves more than one person, the County Recorder would not likely record a document purporting to rescind an easement unless the easement holder was also to sign the document. Thus, a condition requiring a deed restriction is much easier to violate, and therefore much less protective, than a condition requiring an easement.

Second, the Legislature has recently adopted new provisions to the Government Code specifically sanctioning the use of conservation easements for this purpose and changing procedures to ensure that they are prominent in searching title to property. In 2001, the Legislature adopted a new requirement that County Recorders keep a separate and "comprehensive index of conservation easements." See Cal. Gov't Code § 27255(a). As such, the Commission finds that the requirement of an open space and conservation easement is the most effective method of ensuring that the remaining

ESHA on the project site will be conserved in the future. Finally, the Commission concludes that an open space easement that allows only the easement holder and no other entity to enter the property for inspection purposes does not interfere with the fee title owner's right to exclude the general public. It therefore does not constitute a significant invasion of the fee title owner's property interest.

In conclusion, the Commission finds that it is necessary to require the applicant to grant an open space easement to the MRCA over the open space area on the project site in order to insure that the remaining ESHA will be preserved, as detailed in **Special Condition 11**. Only as conditioned will the proposed project minimize impacts to ESHA, pursuant to Section 30240 of the Coastal Act.

6. 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 fuel modification 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.

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 Memorandum³, 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.

³ 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>

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 No. 8**. 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 3** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

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 perimeter of the development

area (building pad), turnaround, and driveway. This is required to be shown on the landscaping plan, required in **Special Condition 3**.

The Commission notes that streams and drainages, such as Dry Canyon Creek which leads into Solstice Canyon Creek located downslope of the proposed building pad, provide important habitat for plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to or upslope of coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

The Commission finds that potential adverse effects of the proposed development on riparian and aquatic habitats of these streams may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition 2**, the Drainage and Polluted Runoff Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, and building pad area is conveyed offsite in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. **Special Condition 2** will ensure implementation of these and other BMPs to reduce polluted runoff. Additionally, **Special Condition 3** requires all graded areas to be replanted with native vegetation so as to reduce erosion and sediment laden runoff into coastal waterways.

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 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, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 7**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The

limitation imposed by **Special Condition 7** avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

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 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 9**, the future development restriction, has been required.

In addition, **Special Condition 10** 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.

Finally, **Special Condition 13** require the applicant to remove the temporary construction trailers/storage containers within 2 years of the issuance of the coastal permit or within 30 days of the County of Los Angeles's certificate of occupancy whichever occurs first. Additional time may be granted by the Executive Director for good cause. The areas where these trailers are located are also required to be landscaped according to the approved landscape plan within 30 days of the removal.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30107.5, 30231, and 30240 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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 project site is located in the Dry Creek Canyon and Solstice Canyon watersheds. While no development is proposed in drainages onsite, the proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the

Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 2**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition 3** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. 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 Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

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.*

The Commission examines the building site, the proposed grading, and the size and height of the building pad and structure. In order to ensure that adverse impacts to public views are minimized, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The development of the proposed two-level structure (with a partial underground lower level residence and garage) raises two issues regarding the siting and design:

one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails and lands will be impacted.

The Coastal Act and the certified Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The proposed development is located west of the El Nido community and Corral Canyon Road along the western slope of the Dry Canyon Creek within the Dry Canyon watershed of the Santa Monica Mountains in Los Angeles County. The 5.18 acre site is accessed from Corral Canyon Road, Sea Breeze Drive, Corralglen Drive to a shared private access road accessing the subject site and adjoining parcels (Exhibits 1-20). The subject parcel is surrounded by vacant lots and parcels of various sizes located to the west, north, east, and south predominantly covered in chaparral and coastal sage scrub habitats. To the northeast, east and southeast are parcels developed with single family residences.

The subject parcel is triangular shaped and located on a north/south trending ridgeline which is designated as a "significant ridgeline" in the certified Malibu/Santa Monica Mountains Land Use Plan for Los Angeles County. In certification of the Land Use Plan, the Commission found that significant ridgelines, including the ridgeline on the subject site, constitute a scenic resource of the coastal zone due to their high visibility from many vantage points. Ridgelines such as this one are defined as the line separating drainage basins.

At the request of staff, the applicant has relocated the proposed building site from the top of the ridgeline to a site on the eastern slope well below the ridgeline. The project site is located on the 2:1 to 3:1 east facing slope. The top of the ridgeline is the highest point on the subject site at approximately 920 ft. in elevation above sea level (although the actual height of the portion of the ridgeline on site ranges in actual height between 914 ft. and 929 ft in elevation). Slopes on site descend from the ridgeline to both the west and east. The east facing slope on site (where the residence is proposed) descends approximately 115 ft. in elevation from the top of the ridgeline to the lowest point on the property along the eastern property line, which is located at approximately 805 ft. in elevation above sea level. The western portion of subject parcel is located approximately 200 feet from Solstice Canyon Park (National Park Service) and the "Rising Sun Trail". The proposed building site located on the eastern side of the ridge from Solstice Canyon Park is located about 500 feet to the east and as proposed will not be visible from this portion of Solstice Canyon Park and the "Rising Sun Trail. The building site is also located about 600 feet to the north from another portion of Solstice Canyon Park which is located to the south extending to Corral Canyon Road. A portion of an existing dirt road on the subject site (which was constructed prior to the effective date of the Coastal Act) will be utilized as part of the new driveway.

Corral Canyon Road is identified in the certified Land Use Plan as a second priority Scenic Highway providing upper Corral Canyon Hillside and Ridge by stating the scenic highway "[b]egins at PCH and ends at Castro Mountainway. Ocean views are prevalent along the southern portion; the ocean provides a wide expanse of blue, backdropping the rolling hills and canyon mouth near PCH. The mid-portion offers simultaneous views of Solstice and Corral Canyons. Development along the roadside in the Malibu

Bowl threatens views from the road. Travelers along Corral Canyon Road have ocean views along the backdropping hillsides of Corral Canyon and portions of Solstice Canyon.”

The residence is proposed to be cut into the slope to ensure the 29 ½ foot high structure with an additional 2 foot high chimney above the roof will be located below the elevation of the ridgeline behind the residence and immediately to the west which ranges from 914 to 929 foot elevation above sea level on the subject parcel as viewed from Corral Canyon Road to the east. (Exhibits 15-20) The proposed grade elevation for the lowest point of the two levels of building pads is 885 ft. in elevation above sea level. This cut for the building pad is proposed to be about 10 feet deep into the slope at the western (upslope) edge of the building pad. The proposed grade elevation for the highest point of the building pad is 897 ft. in elevation above sea level. As proposed, the highest point of the roof will not exceed 911 ft. in elevation with the exception of the chimney which will not exceed 913 ft. in elevation above sea level. As a result, the highest point of the structure will be located below the ridgeline which is approximately 920 ft. in elevation above sea level (although portions of the ridge range between 914 – 929 ft. above sea level). The top of the chimney will be the highest point of the proposed structure and will be 913 ft. in elevation although the section of the ridgeline located immediately behind this section of the structure is at the 918 foot elevation above sea level (Exhibits east elevation). Thus, even the highest portions of the structure will not exceed the ridgeline on site.

An analysis of the public views of the proposed residence as viewed from Corral Canyon Road (Exhibits 1, 2, 16) is identified in Exhibits 19-20. These photographs frame the east elevation of the residence with story poles and yellow tape and is a telephoto picture used to enlarge the subject area so it can be more clearly viewed from this distance of about 2,100 feet. Exhibit 20 provides a further magnified view of the building identified with white lines and the ridge behind it also with a white line as provided by the applicant. From this public viewpoint, the peak of the residence's chimney is below the top of the ridgeline located immediately behind it. The elevation of the top of the roof is at the 911 foot elevation and the top of the chimney is at the 913 foot elevation above sea level, while the top of the ridgeline behind it ranges from 914 to 929 feet above sea level. The proposed residence will be visible from public lands located to the south, Solstice Canyon Park, but not from the portion of Solstice Canyon Park located beyond the ridgeline to the west due to the intervening topography. The proposed residence will not be visible from the public trails located within Solstice Canyon Park west of the residence due to the intervening ridgeline. There are no public trails on the portion of Solstice Canyon Park located to the south of the proposed residence at a distance of about 600 feet and at elevations ranging from 400 in the bottom of Dry Canyon Creek located to the southeast to 600 feet due south of the proposed residence.

The proposed grade elevation for the cut building pad at the lower level is at the 885 foot elevation above sea level. This cut for the building pad is proposed to be about 10 feet deep into the slope at the western edge of the building pad. The proposed grade

elevation for the cut building pad at the upper level is at the 897 foot elevation above sea level. This cut for the building pad is proposed to be about 8 feet deep into the slope at the western edge of the building pad. The finished grade for the lower level floor is at the 887 foot elevation above sea level, and the finished grade for the upper level is at the 899 foot elevation (Exhibit 15). As proposed, the residence will not “break” the ridgeline or be visible above it, in fact it will be below it. However, to ensure that no portion of the structure will exceed the height of the ridgeline on site, it is critical that the elevation of the completed building pad is consistent with the above referenced elevations and as shown on the final approved plans. Therefore, in order to ensure that adverse impacts to the scenic viewshed are minimized, **Special Condition 12**, Finished Grade Survey, requires that prior to commencement of construction of the foundation for the residence, the applicant shall submit, for the review and approval of the Executive Director, a survey prepared by a qualified survey engineer, confirming the completed building pad grade for the lower building pad does not exceed 885 ft. in elevation above sea level and the completed building pad grade for the upper building pad does not exceed 897 ft. in elevation above sea level.

Therefore, a review of the public views affected from these viewsites concludes that the proposed two-level structure would be 29.5 feet above the finished grade and visible from the public viewing areas located to the south on Solstice Canyon Park and located to the east on Corral Canyon Road, but will not break the ridgeline with the proposed residence.

The Commission also finds it necessary to impose **Special Condition 3** that requires the applicant to revise the landscape plan to include vertical elements such as trees and shrubs along the south and east sides of the residence to partially screen this structure from public view from public roads and lands.

The grading necessary to cut the building pad into the slope and fill the area surrounding for the driveway turnaround area, and adjacent sides to provide areas to walk around the structure, is the minimum amount necessary to access the building site while meeting the requirements of the Los Angeles County Fire Department. Furthermore, no significant cut or fill slopes will result from the above referenced grading, and no adverse or significant visual impacts are anticipated as a result of the private access driveway and all retaining walls colored an earthen tone as seen from Corral Canyon Road and NPS/Solstice Canyon Park lands as required by **Special Condition Five (5)**.

In this case although the project has been designed to minimize impacts to the scenic viewshed, it will still be visible from public roads, lands and trails located to the west, north, east, and south as noted above. However, the Commission finds that the proposed residential structure and driveway, will be less visually intrusive through the use of earth tones for the structures and roofs of the buildings, the driveway, and non-glare glass which helps the structures blend in with the natural setting. Thus, in order to further minimize adverse impacts to public views, the Commission finds it necessary to impose **Special Condition No. Five (5)** to restrict the color of the subject structure,

driveway, and partially buried water tank to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows.

The Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the environmental constraints discussed above. To ensure that any future additions to the permitted structures, which would otherwise be exempt from coastal permit requirements, are reviewed for consistency with Section 30251 of the Coastal Act, the Commission finds, that it is necessary to require that all future additions or improvements to the permitted structures, or any future development on the subject parcel, will require a permit or permit amendment, as required by **Special Condition Nine (9)**.

Further, the Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded or disturbed areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a landscape and fuel modification plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes that will be as required to be revised to include the applicant's revise project description. Furthermore, the plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials surrounding the residential structure are to "thinned" rather than "cleared" for wildland fire protection. **Special Condition Three (3)** requires that the landscape plan be completed within sixty days of residential occupancy with trees and shrubs to partially screen the development from the north, west, south and east. The planting coverage shall also be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

The Commission has found that night lighting of areas in the Malibu / Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, in order 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, the Commission limits the nighttime lighting of the property, residence and garage to that necessary for safety as outlined in **Special Condition Six (6)**.

Special Condition Ten (10) 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 provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast and thus, 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).

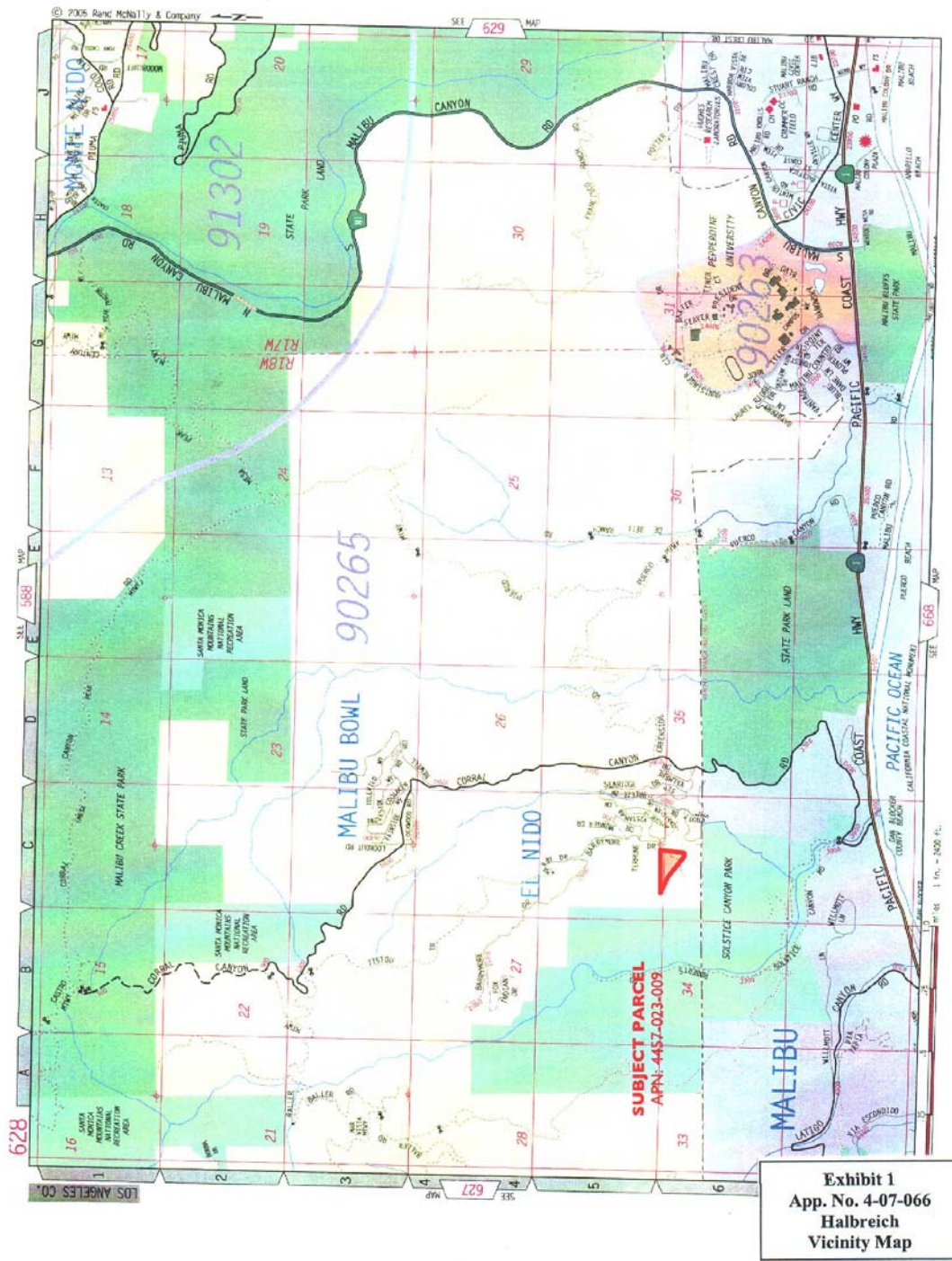
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed developments 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 developments, 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. California Environmental Quality Act

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. The applicant considered alternative building pads to reduce the public visibility of the residence, site the residence below a significant ridgeline, and minimize the necessary grading by cutting the residence into the hillside. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required as part of this coastal development permit amendment include the avoidance of impacts to ESHA through clustering the residence and garage into one structure, prohibiting development outside of the approved development area as required by the future improvement condition. 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), and requiring future improvements to be considered through a CDP, and confirming the rough grade of the building pads for the upper and lower residential levels prior to constructing the foundation to confirm the maximum height of the residence is below the significant ridgeline. Finally, the 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.



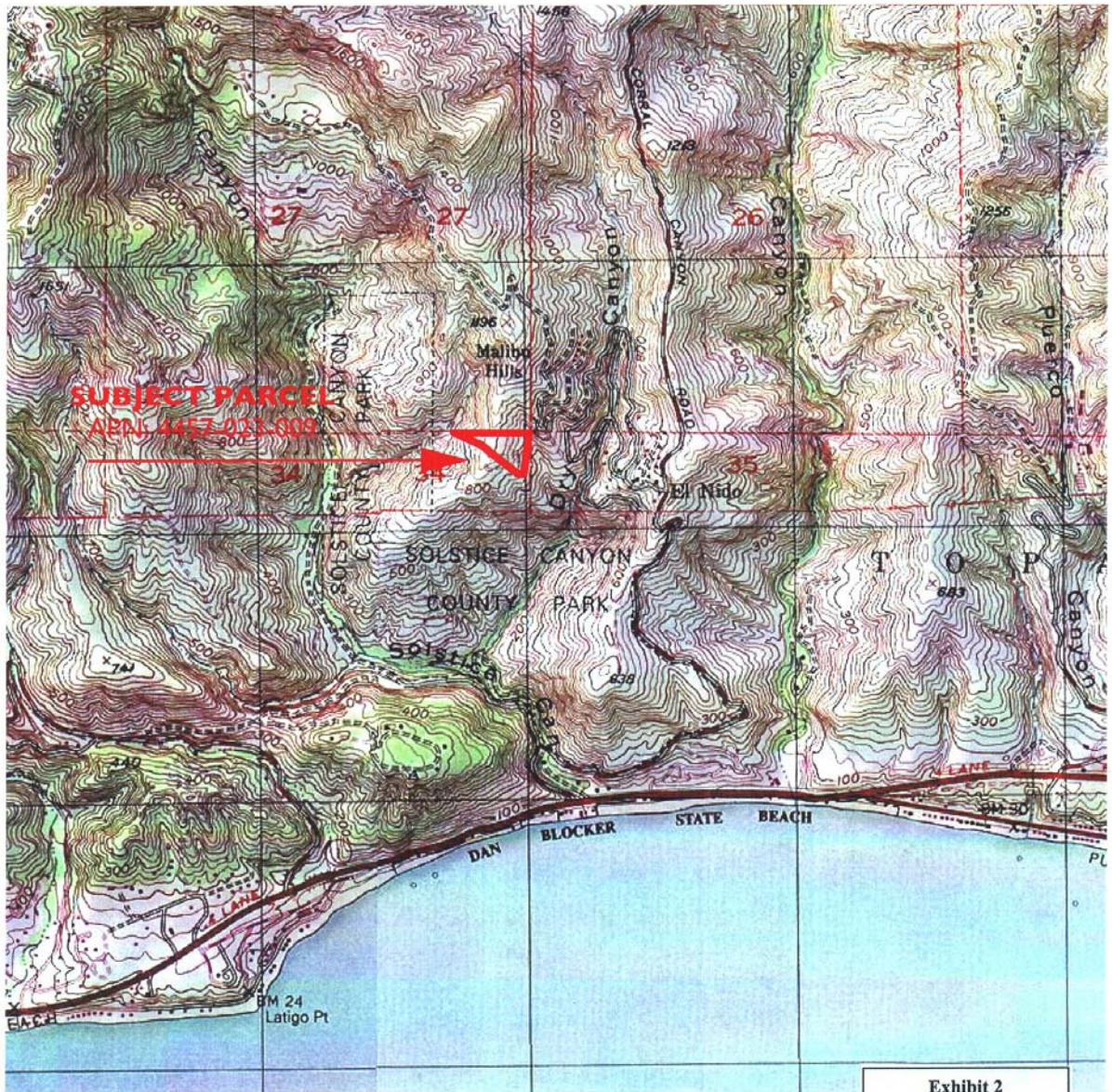
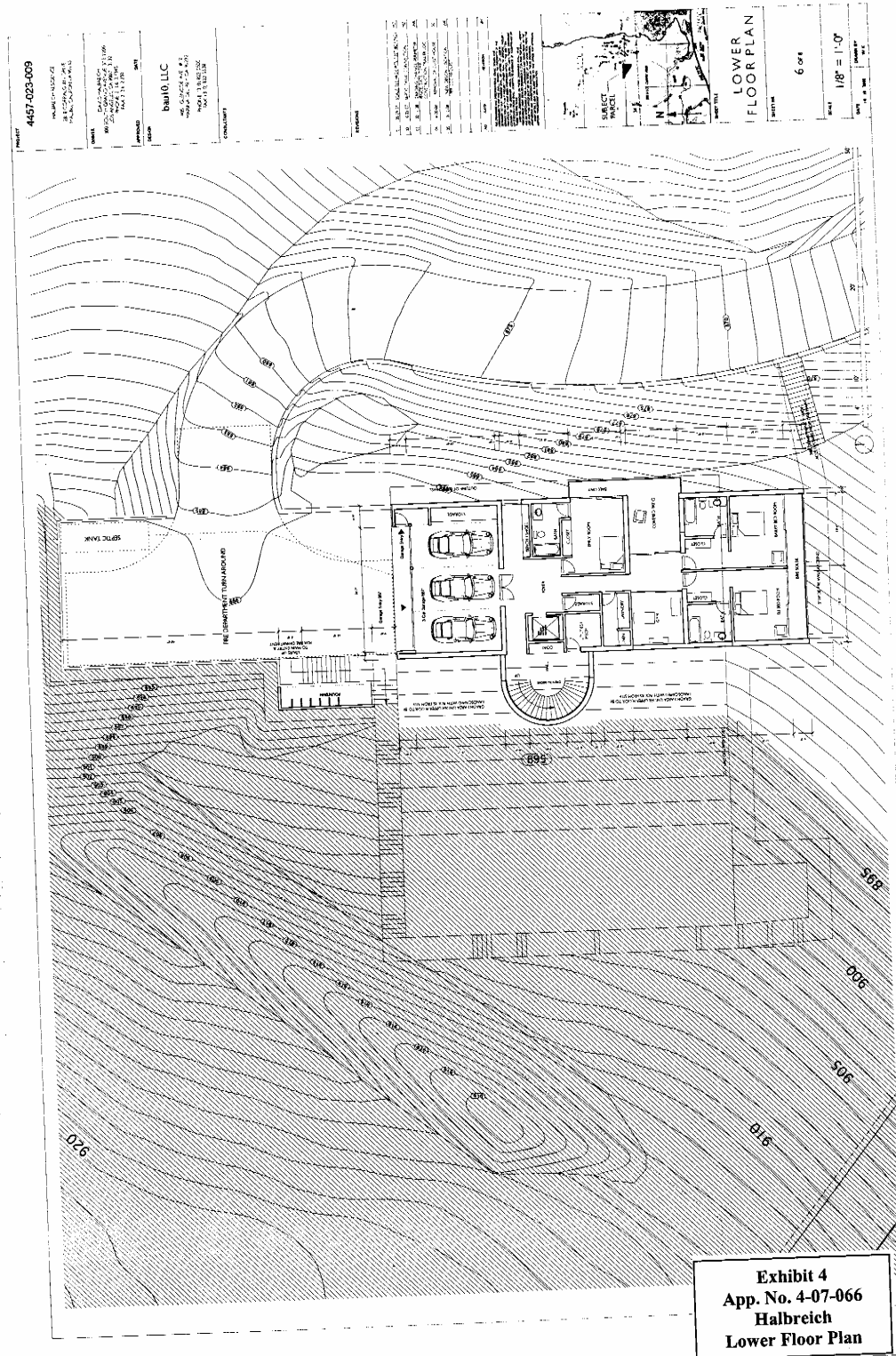


Exhibit 2
App. No. 4-07-066
Halbreich
Topographic Map





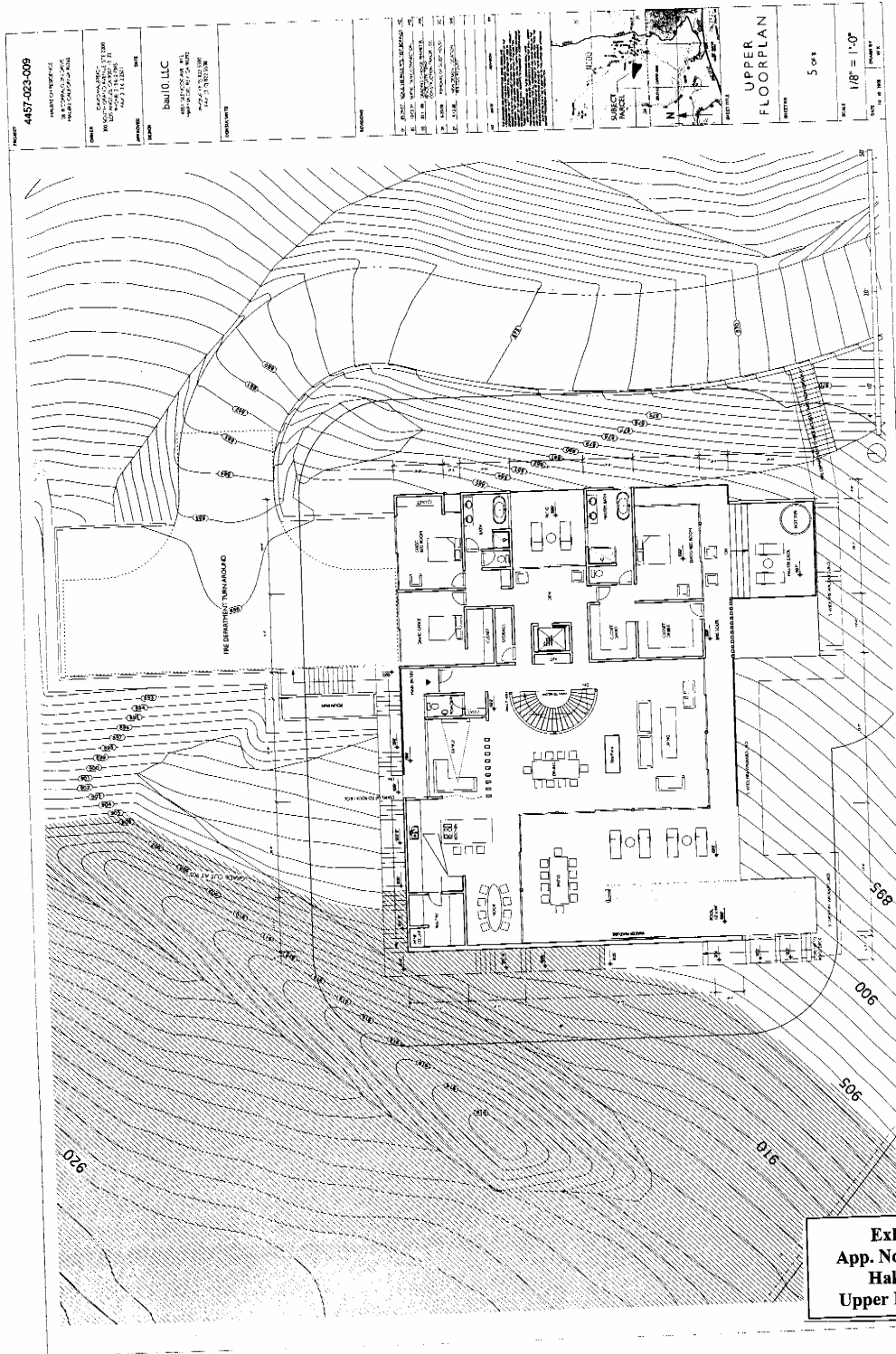


Exhibit 5
App. No. 4-07-066
Halbreich
Upper Floor Plan

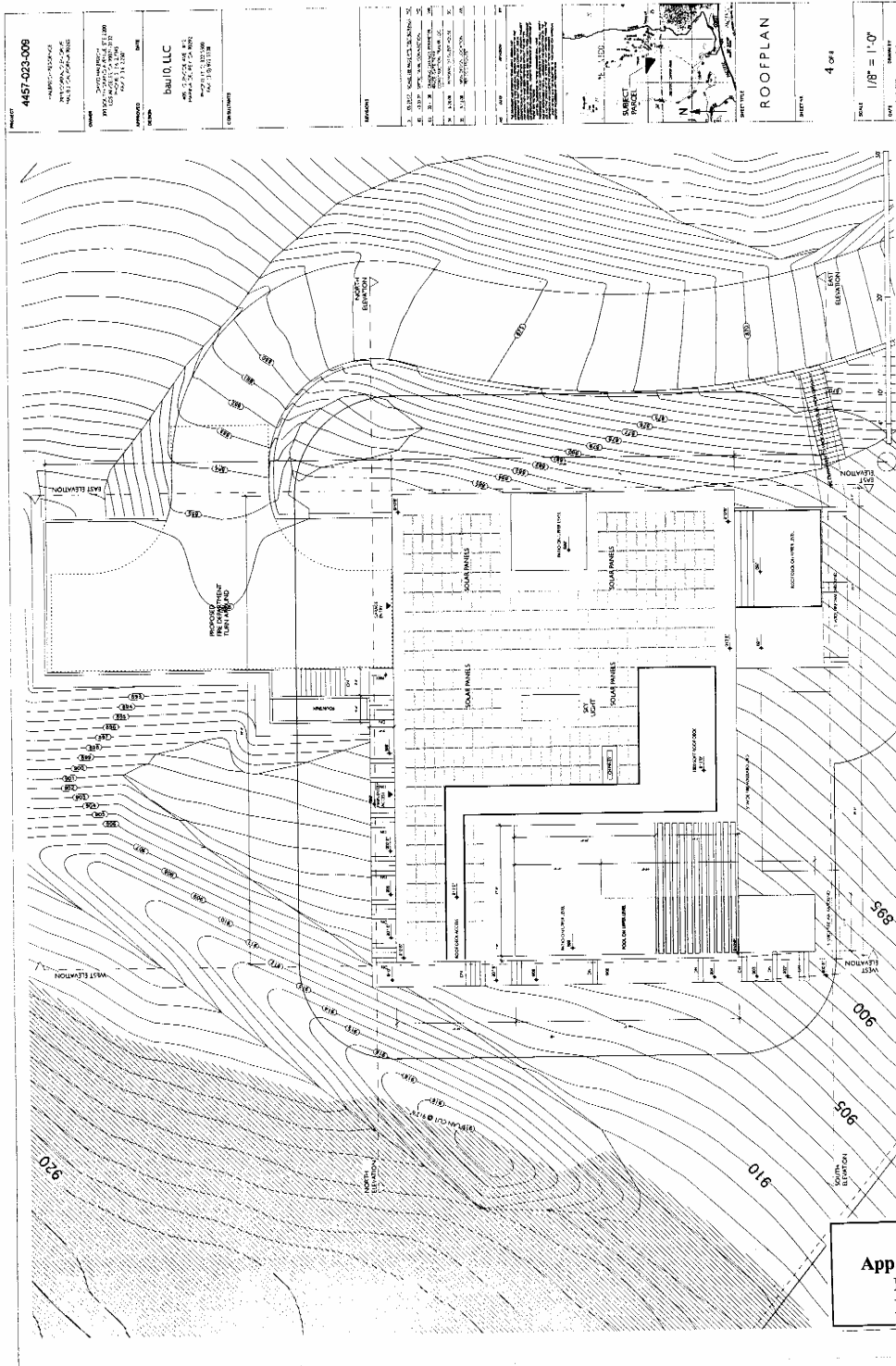
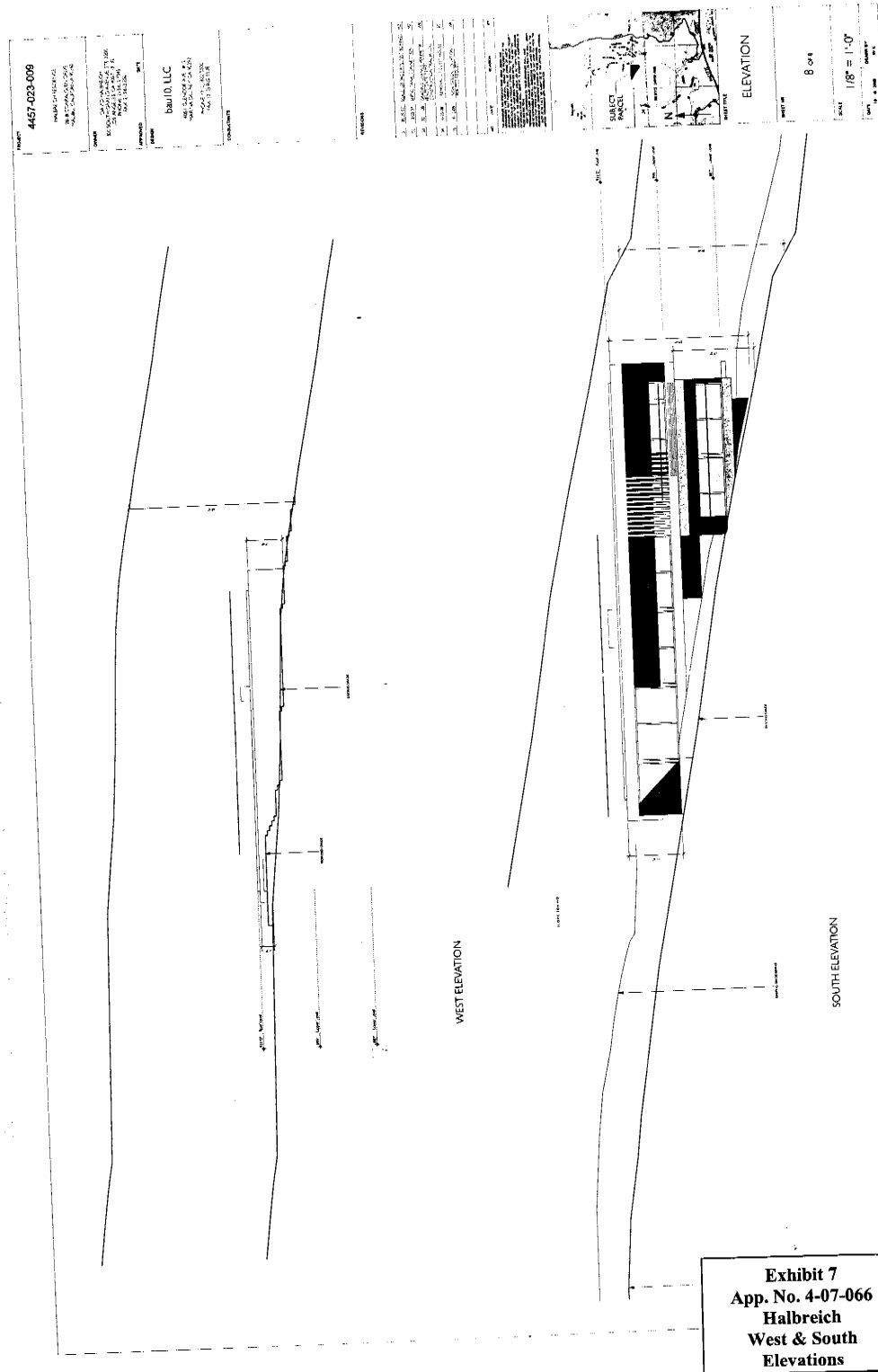


Exhibit 6
App. No. 4-07-066
Halbreich
Roof Plan



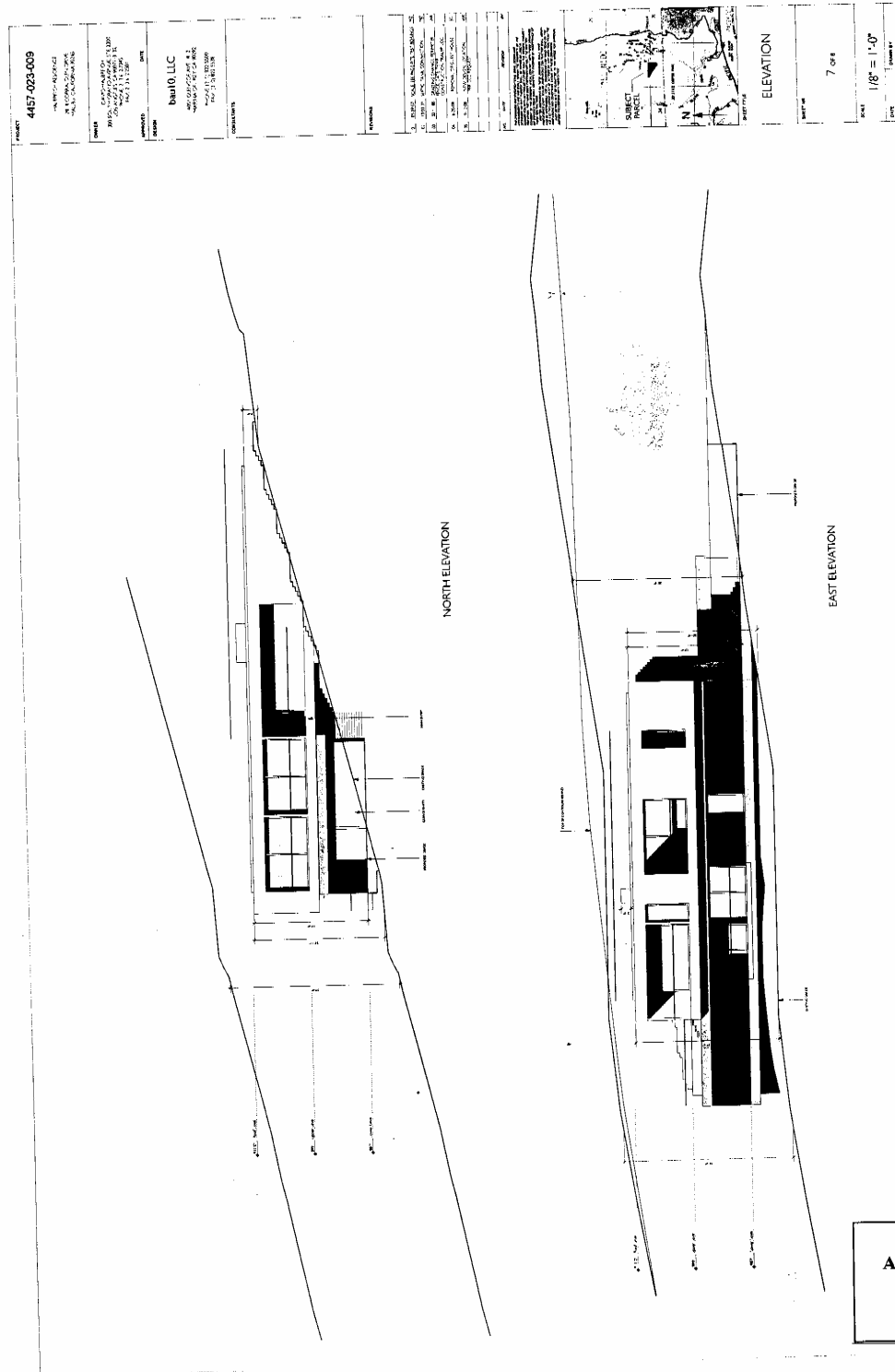
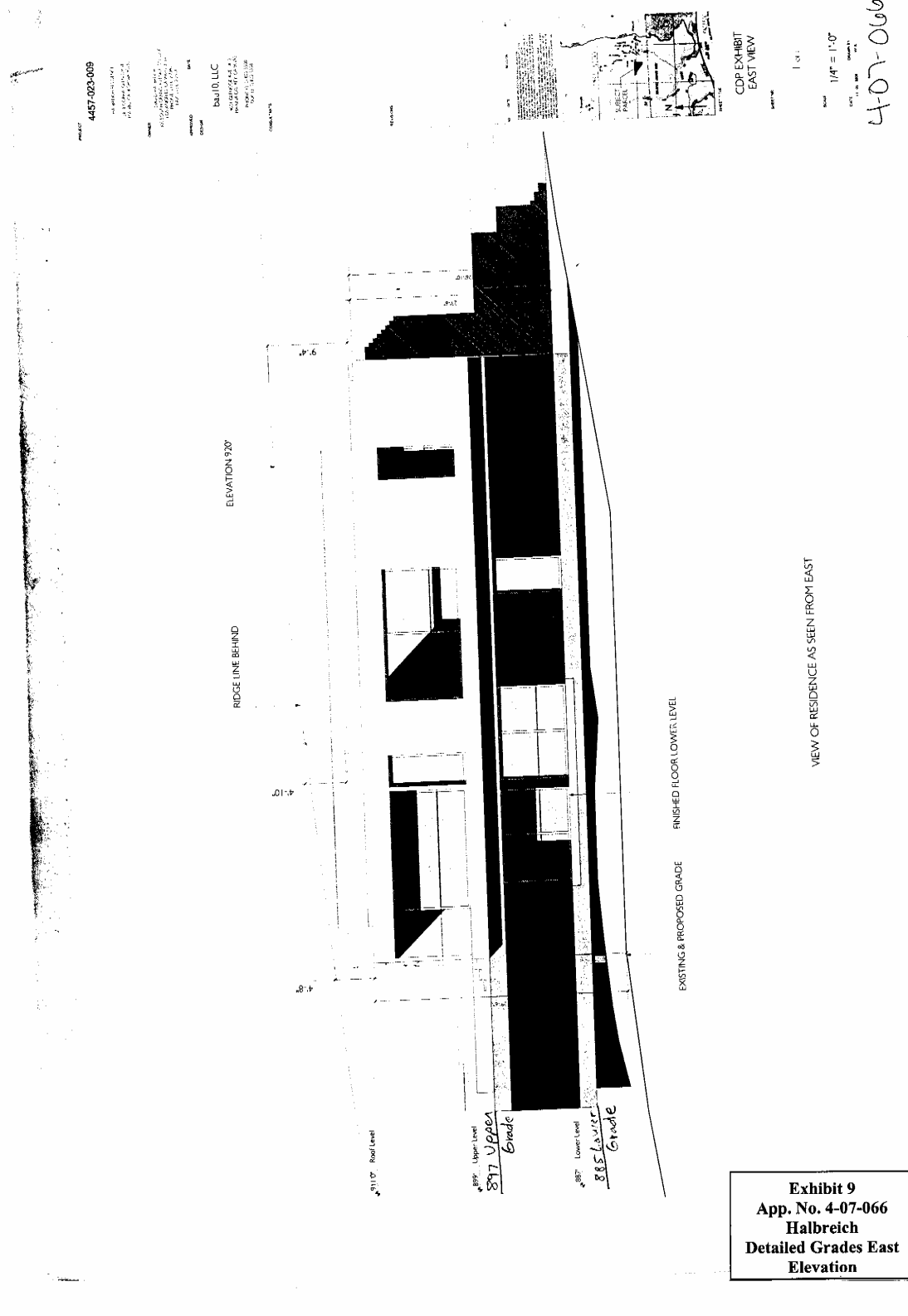
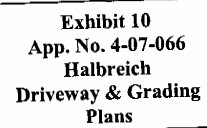
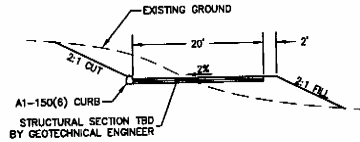


Exhibit 8
App. No. 4-07-066
Halbreich
North & East
Elevations

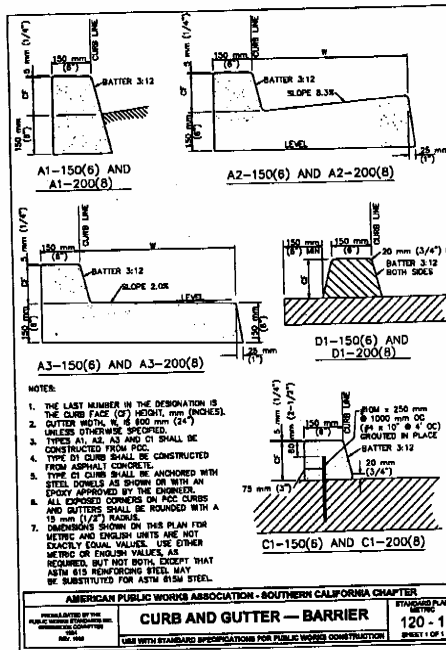






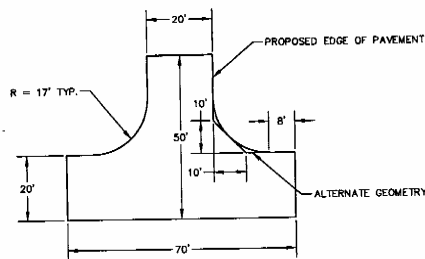
TYP. SECTION WITH CUT AND FILL

1" = 10'



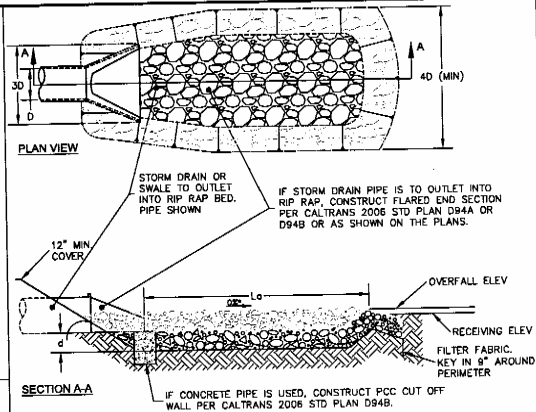
1 CURB AND GUTTER - BARRIER

n.l.s.



2 LACFD HAMMERHEAD TURNAROUND

n.l.s.

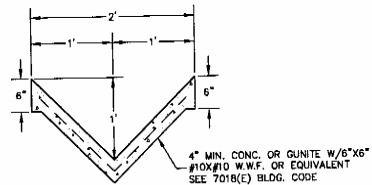


- NOTES:**
1. 'Lo' = LENGTH OF APRON. DISTANCE 'Lo' SHALL BE OF SUFFICIENT LENGTH TO DISSIPATE ENERGY.
 2. APRON SHALL BE SET AT ZERO GRADE AND ALIGNED STRAIGHT.
 3. FILTER MATERIAL SHALL BE FILTER FABRIC OR 6" THICK MINIMUM GRADED GRAVEL LAYER.
 4. WHERE GROUTING IS NECESSARY ROCK SPACING SHALL BE NO GREATER THAN 2".

PIPE DIAMETER INCHES	DISCHARGE cfs	APRON LENGTH, Lo ft. (AS NOTED ON PLANS)	RIP RAP Dia. MIN INCHES
12	5	10	4
	10	13	6
	15	16	8
18	20	23	12
	30	26	16
	40	28	8
24	50	28	8
	60	30	12
			16

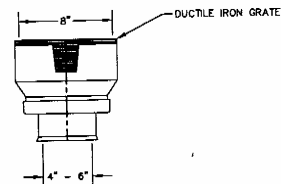
3 ROCK RIP RAP EROSION PROTECTION DETAIL

n.l.s.



4 2' V-DITCH

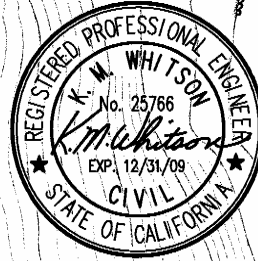
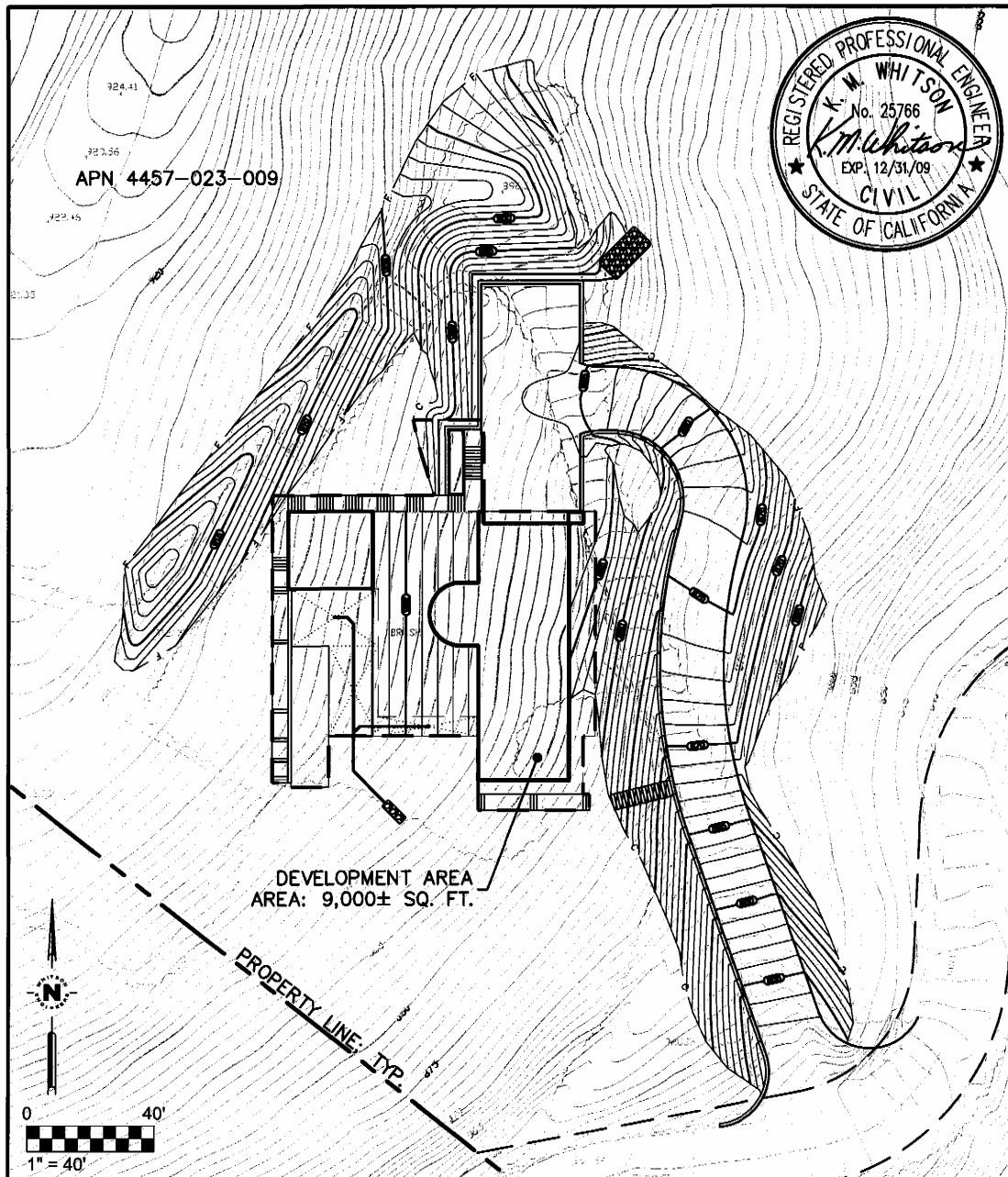
n.l.s.



5 8" ADS NYLOPLST INLINE DRAIN

n.l.s.

Exhibit 11
App. No. 4-07-066
Halbreich
Grading Plan Details



APN 4457-023-009

LOS ANGELES COUNTY

CALIFORNIA

DEVELOPMENT AREA

DRAWING PATH: Halbreich Res-3.dwg

DATE: OCT. 15, 2008 SHEET

SCALE: 1" =

DRAWN:

CHECKED:

PROJECT #: 2152

Exhibit 12
App. No. 4-07-066
Halbreich
Development Area



**Exhibit 13
App. No. 4-07-066
Halbreich
Shared Driveway
Grading Plan**

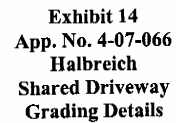


Exhibit 15
App. No. 4-07-066
Halbreich
Site Section &
Elevation Details



LEGEND

- State Park
- National Park Service
- Santa Monica Mtns Conservancy
- City/County/Water District
- Mountains Restoration Trust
- Backbone Trail-no bikes
- Backbone Trail-bikes OK
- Hiking Trail (no bikes)-mileage between points
- Multi-use Trail-bikes OK
- unless posted otherwise
- Hiking Trail Only-no bikes, no horses
- Unmaintained Trail
- Approximate Trail Junction Elevation

- Ranger Station/Information
- Campground
- Group Camp
- Trail Camp
- RV Camp
- Picnic Area
- Trailhead Parking
- Locked Gate
- Inholdings
- Developed Areas

2001 mean magnetic declination

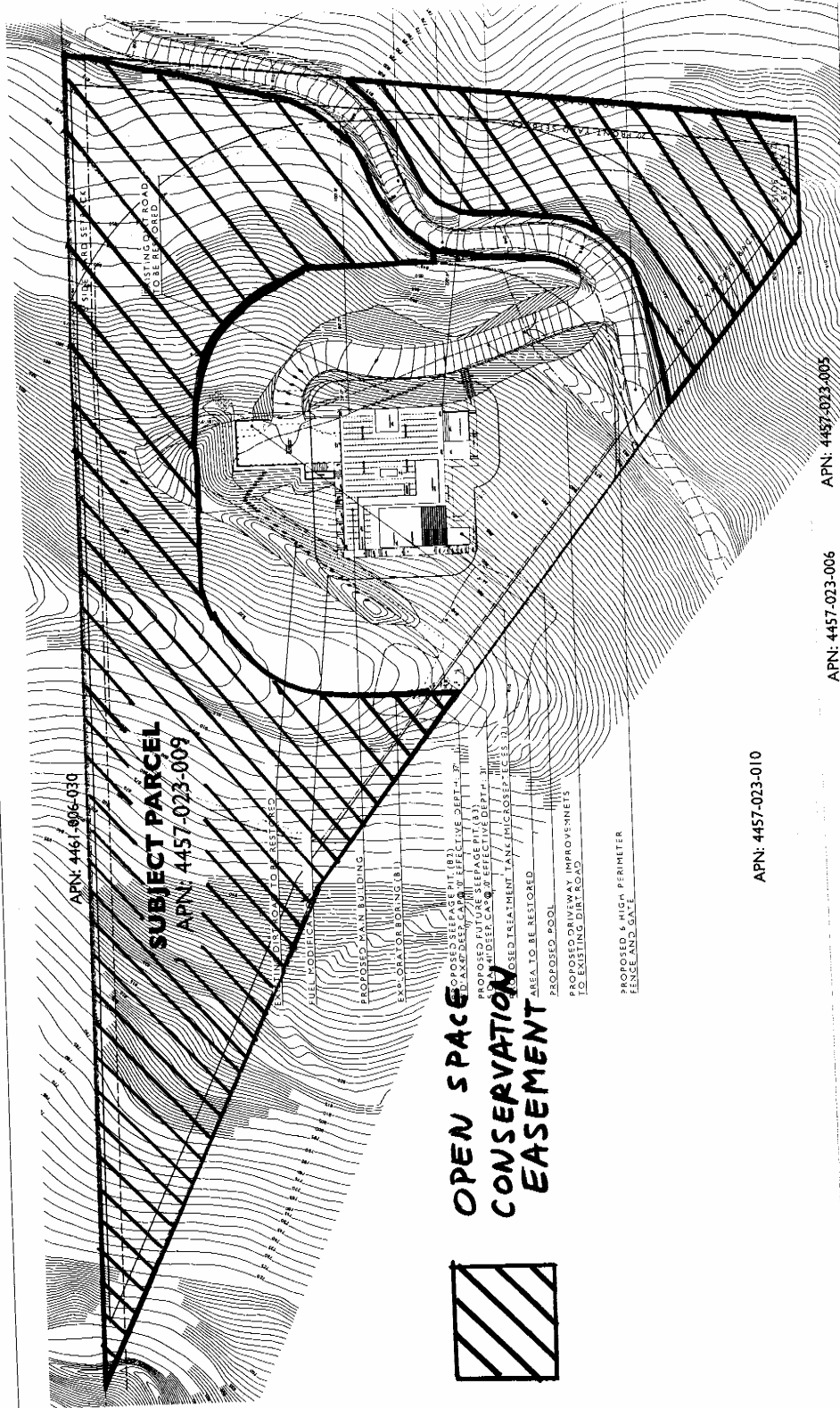
0 1000 2000 3000 4000 5000 feet
0 300 600 900 1200 1500 meters

Created on a Macintosh

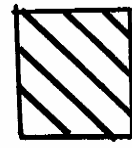
1:30,000 1 inch represents 2500 feet UTM zone 11
1927 North American datum

Exhibit 16
App. No. 4-07-066
Halbreich
Santa Monica
Mountains Public
Lands/Trail Map

© 2001 Tom Harrison



**OPEN SPACE
CONSERVATION
EASEMENT**



PLAN

Exhibit 17
App. No. 4-07-066
Halbreich
Open Space
Easement Area

SCOUTING APN 4457-023-009

IN THE COUNTY OF LOS ANGELES, STATE OF
CALIFORNIA, I, THE UNDERSIGNED, DO HEREBY
FILED FOR RECORD THIS 15TH DAY OF
JULY, 2015, AT LOS ANGELES.

BUILDING DATA
NUMBER OF LEVELS IN BUILDING: 2
MAX. BUILDING HEIGHT ABOVE FINISHED GRADE: 29'6"
MAX. BUILDING HEIGHT ABOVE FINISHED GRADE: 29'6"
MAX. BUILDING HEIGHT ABOVE FINISHED GRADE: 29'6"
MAX. BUILDING HEIGHT ABOVE FINISHED GRADE: 29'6"
BUDG. HEIGHT ABOVE DRIVEWAY: 23'6"

VISTAR DRIVE
CORRAL GLEN DRIVE

E

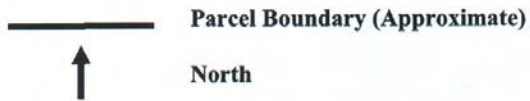
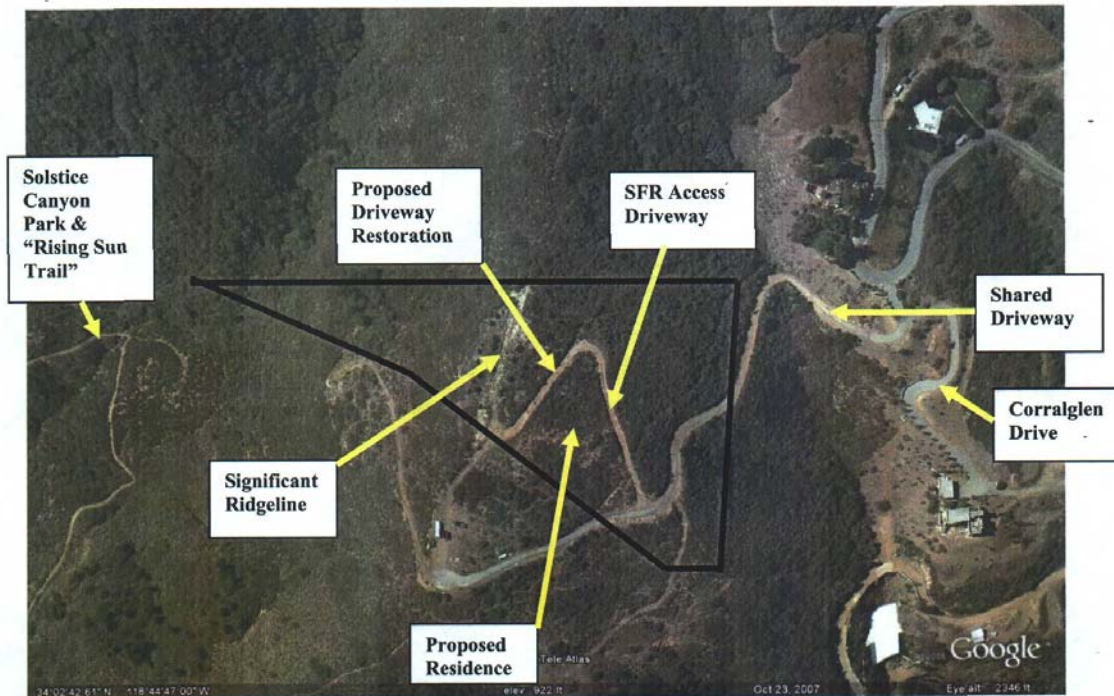


Exhibit 18
App. No. 4-07-066
2007 Aerial Photo

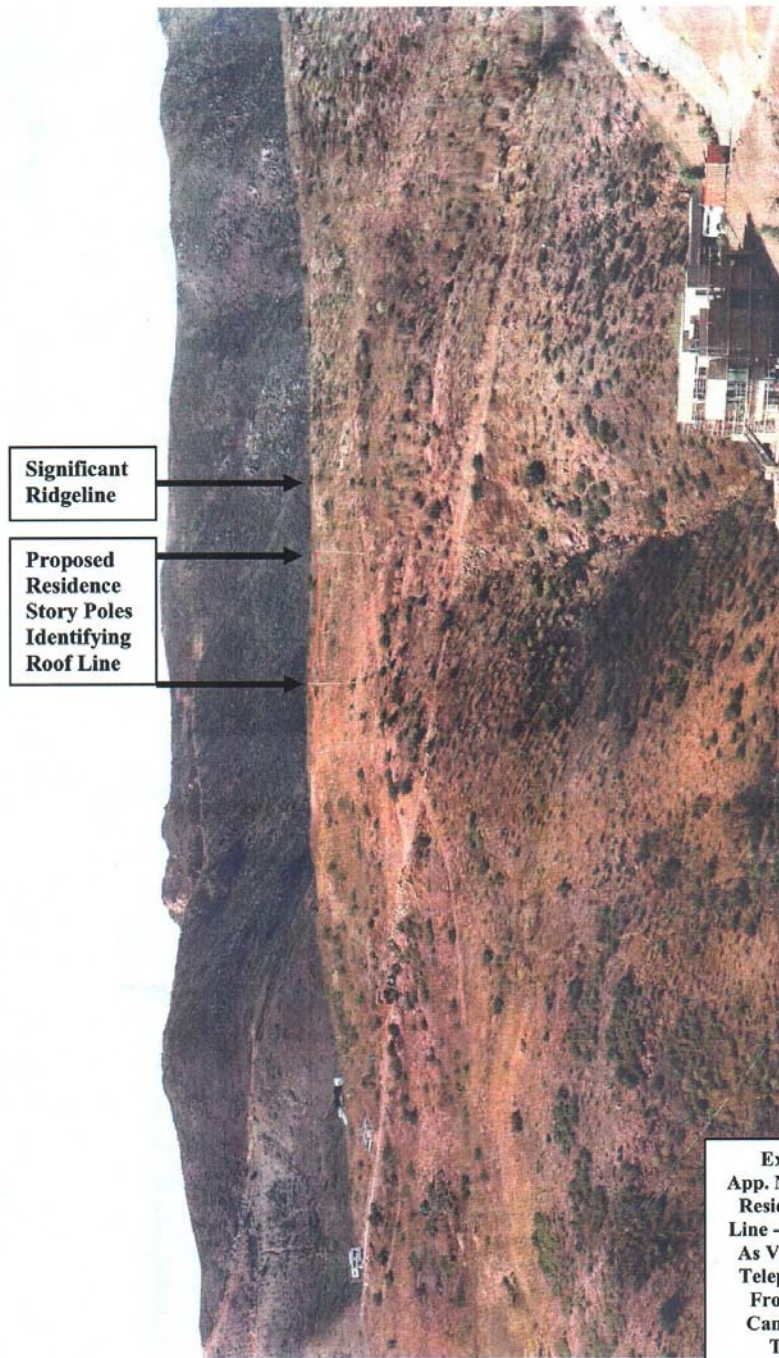
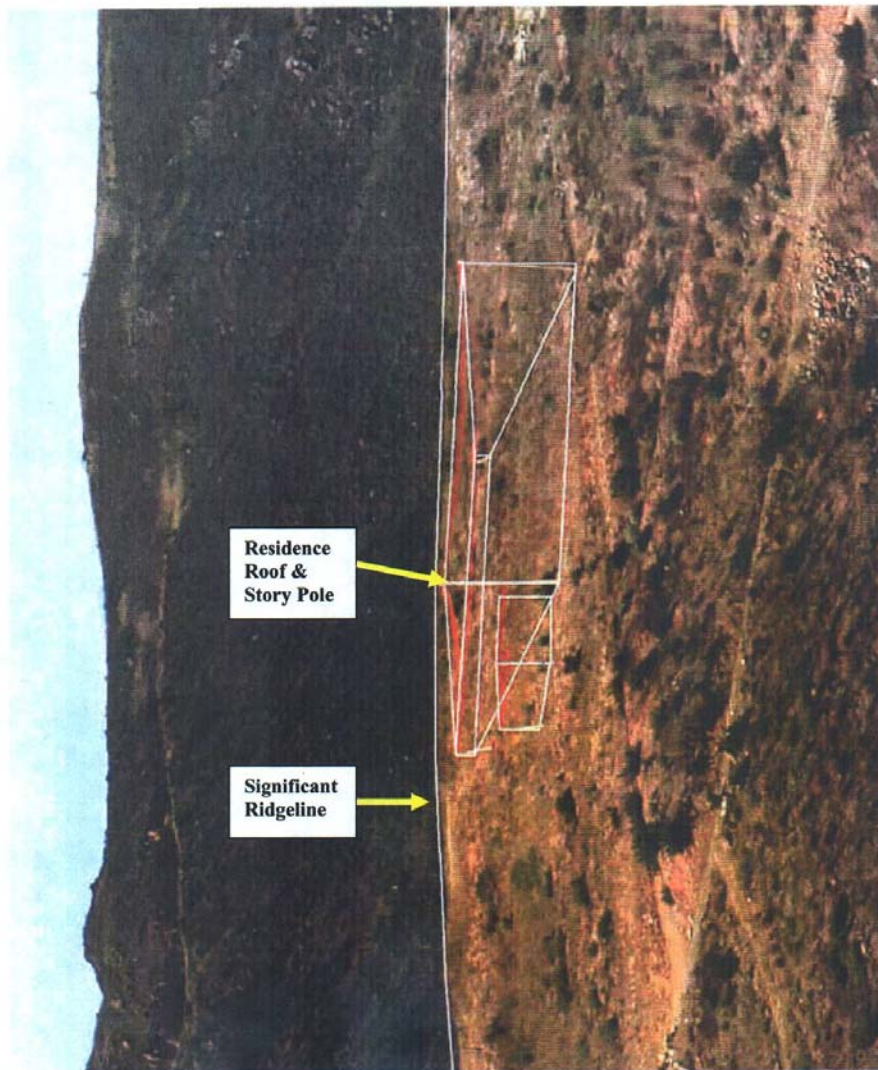


Exhibit 19
App. No. 4-07-066
Residence Roof
Line - Story Poles
As Viewed with
Telephoto Lens
From Corral
Canyon Road
Turnout



Residence
Roof &
Story Pole

Significant
Ridgeline

Exhibit 20
App. No. 4-07-066
Residence Outline and Roof
Line - Story Poles
As Viewed with Telephoto
Lens From Corral Canyon
Road Turnout
Provided by Applicant