

CALIFORNIA COASTAL COMMISSION

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**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-07-100

APPLICANT: Decker Canyon, LLC

AGENT: Shelley Coulson, Michael Eldridge, Leo Kabrinsky

PROJECT DESCRIPTION: Construction of an 853 sq. ft. two-story, maximum 20 ft above existing grade, accessory structure consisting of a 391 sq. ft. recreation room with 171 sq. ft. of deck over a 325 sq. ft. partially enclosed pavilion and 137 sq. ft. enclosed mechanical and storage closets, swimming pool and pool deck, spa, retaining wall, 5,000 gallon water tank, two stormwater dissipators, hydrant, and 720 cu. yds. of cut grading.

PROJECT LOCATION: 3000 Decker Canyon Road, Santa Monica Mountains; Los Angeles County (APNs: 4472-023-006)

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **Approval** of the proposed project with seven special conditions relating to plans conforming to geotechnical engineer's recommendations; landscaping erosion control, and fuel modification plans; assumption of risk; drainage and polluted runoff control; future development restriction; deed restriction; and removal of excess excavated material. As conditioned, the proposed project will be consistent with the applicable policies of the Coastal Act.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance.

TABLE OF CONTENTS

I. STAFF RECOMMENDATION.....	3
APPROVAL WITH CONDITIONS	3
II. STANDARD CONDITIONS.....	3
III. SPECIAL CONDITIONS	4
1. <i>Plans Conforming to Geotechnical Engineer’s Recommendations.....</i>	<i>4</i>
2. <i>Landscaping, Erosion Control, and Fuel Modification Plans.....</i>	<i>4</i>
3. <i>Assumption of Risk.....</i>	<i>6</i>
4. <i>Drainage and Polluted Runoff Control Plan.....</i>	<i>6</i>
5. <i>Future Development Restriction.....</i>	<i>7</i>
6. <i>Deed Restriction.....</i>	<i>8</i>
7. <i>Removal of Excess Excavated Material.....</i>	<i>8</i>
IV. FINDINGS AND DECLARATIONS.....	8
A. PROJECT DESCRIPTION.....	8
B. HAZARDS AND GEOLOGIC STABILITY	9
C. WATER QUALITY	11
D. CUMULATIVE IMPACTS	12
E. LOCAL COASTAL PROGRAM.....	14
F. CEQA.....	15

EXHIBITS

Exhibit 1. Vicinity Map

Exhibit 2. Parcel Map

Exhibit 3. Site Plan

Exhibit 4. Floor Plans

Exhibit 5. Elevations

LOCAL APPROVALS RECEIVED: County of Los Angeles Fire Department Prevention Bureau Preliminary Fuel Modification Plan Approval, dated January 24, 2008; County of Los Angeles, Department of Regional Planning Approval-In-Concept, dated July 3, 2007;

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Update (Grover Hollingsworth and Associates, Inc., November 14, 2007); Geologic and Soils Engineering Exploration (Grover Hollingsworth and Associates, Inc., August 1, 2005)

I. STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

MOTION: *I move that the Commission approve Coastal Development Permit No 4-07-100 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permits 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 the 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 permits 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 Geotechnical Engineer's Recommendations.

By acceptance of this permit, the applicants agree to comply with the recommendations contained in the Geologic and Soils Engineering Update (Grover Hollingsworth and Associates, Inc., November 14, 2007) and Geologic and Soils Engineering Exploration (Grover Hollingsworth and Associates, Inc., August 1, 2005). These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final designs 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. Landscaping, Erosion Control, and Fuel Modification Plans

Prior to issuance of the coastal development permit, the applicant shall submit landscaping, erosion control, and fuel modification 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, erosion control, and fuel modification 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 should be of native plant species indigenous to the Santa Monica

Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

3. Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
4. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

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 should grading take place during the rainy season (November 1 – March 31) 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, 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 measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out 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 the coastal zone or to a site within the coastal zone 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) Fuel Modification Plans

Vegetation within 20 feet of the proposed accessory structure may be removed to mineral earth, vegetation within a 200-foot radius of the structure may be selectively thinned in order to reduce fire hazard. However, such 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 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.

D) Monitoring

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 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.

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.

3. Assumption of Risk

By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from wildfire; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the 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.

4. Drainage and Polluted Runoff Control Plan

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.
- (e) 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.

5. Future Development Restriction

This permit is only for the development described in Coastal Development Permit No. 4-07-100. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to any of the development governed by this permit. Accordingly, any future improvements to any portion of the development governed by this permit, including but not limited to the accessory structure/recreation room (or conversion of any portion of the recreation room / accessory structure to habitable space), decks, pavilion, pool and spa shall require an amendment to Coastal Development Permit No. 4-07-100 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Deed Restriction

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

7. Removal of Excess Excavated Material

Prior to the issuance of the Coastal Development Permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The applicants propose to construct an 853 sq. ft. two-story, maximum 20 ft above existing grade, accessory structure consisting of a 391 sq. ft. recreation room with 171 sq. ft. of deck over a 325 sq. ft. partially enclosed pavilion and 137 sq. ft. enclosed mechanical and storage closets; swimming pool and pool deck, spa, retaining wall, 5,000 gallon water tank, two stormwater dissipators, hydrant, and 720 cu. yds. of cut grading.

The proposed project site is located at 3000 Decker Canyon Road, in the Santa Monica Mountains, unincorporated Los Angeles County (Exhibit 1). The site is developed with a single family residence that was originally built prior to the Coastal Act, but has undergone significant demolition and additions pursuant to 4-05-143-W. There is native

vegetation on the site. However, the proposed accessory structure is proposed immediately adjacent, south of, the existing residence in an area that is not an environmentally sensitive habitat area (ESHA). The proposed structure will not extend fuel modification into ESHA.

The proposed structure will be clustered with existing residential development and given the limited size of the structure as well as the distance and elevation from the road, the structure will be minimally visible for brief views from Decker Canyon Road. Additionally, due to the distance and rolling topography, the structure will be only incidentally visible from the Nicholas Flat trail. The potential visibility will be further reduced by the mature landscaping that exists on the site.

The Commission has approved development on the subject parcel. In March 2006, the Commission waived the requirement for a Coastal Development Permit (Waiver No. 4-05-143-W (Gershman)) for partial demolition of existing single family residence, demolition of car port, removal of mobile home and trailer, and addition of 917 sq. ft. basement storage area, addition of 1,124 sq. ft. to first floor living area, addition of new second floor of 1,056 sq. ft., installation of new septic system, water well and water tank.

In addition to the existing residence, there is a barn located southwest of the residence. This barn was not observed to be present in the Commission's 1977 aerial photographs. However, the barn is visible in the Commission's 1986 aerial photographs. Although construction of a barn requires a coastal development permit, Commission records do not indicate that a coastal development permit was obtained for this development. The barn is separated from the residential development, including the proposed accessory structure. The Commission's enforcement division will evaluate further actions to address this matter.

B. HAZARDS AND GEOLOGIC STABILITY

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

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated

into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

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

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

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The proposed grading will not be balanced on the project site and will result in a surplus of graded material. Excavated materials that are placed in stockpiles are subject to increased erosion, and if retained upon the site, such materials may contribute to additional unpermitted landform alteration. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, the Commission requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit.

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

- Special Condition 1. Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2. Landscaping, Erosion Control, and Fuel Modification Plans
- Special Condition 3. Assumption of Risk
- Special Condition 4. Drainage and Polluted Runoff Control Plan
- Special Condition 7. Removal of Excess Excavated Material

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

C. WATER QUALITY

Section 30231 of the Coastal Act states that:

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

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

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

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

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The existing on-site septic system is sufficient to handle the additional waste stream from the proposed accessory structure.

The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

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

- Special Condition 2. Landscaping, Erosion Control, and Fuel Modification Plans
- Special Condition 4. Drainage and Polluted Runoff Control Plan
- Special Condition 7. Removal of Excess Excavated Material

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

D. CUMULATIVE IMPACTS

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states that:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence

exists intensifies the use of a parcel increasing impacts on public services, such as water, sewage, electricity and roads. New development also raises issues as to whether the location and amount of new development maintains and enhances public access to the coast.

Based on these policies, the Commission has limited the development of guest house units and second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. The issue of guest house and second units on lots with primary residences has specifically been the subject of past Commission action in certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP). In its review and action on the LUP, the Commission found that placing an upper limit on the size of these units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu/Santa Monica Mountains area and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area.

In this case, the applicants propose the construction of a 716 sq. ft. detached accessory structure with 171 sq. ft. of decks. This proposed structure is not intended to be occupied as a separate residential second unit. In fact, no kitchen facilities are proposed to be included in this structure. The plans show the proposed structure as a two-story building. Environmentally sensitive habitat areas are located on the subject site, however, the structure is clustered adjacent to the existing residence and therefore will not result in the removal of ESHA. Additionally, it does not extend fuel modification into ESHA. Further, as conditioned in this report and described in the above findings, the proposed project would have no impact on coastal resources.

However, future improvements to the proposed accessory structure such as additional square footage, addition of kitchen facilities, or conversion of the structure as a residential second unit or guest house could raise issues with regard to individual or cumulative impacts to coastal resources, including the potential for fuel modification associated with additions or improvements to extend into environmentally sensitive

habitat areas. Such improvements and their potential impacts must be addressed by the Commission to ensure conformance with the Chapter 3 policies of the Coastal Act.

To ensure that any additions or improvements that could further intensify the use of the structure will be reviewed by the Commission, the Commission requires, pursuant to **Special Condition No. 5**, that any additions or improvements related to the structure, that may otherwise be exempt from coastal permit requirements, shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

Additionally, the Commission requires, pursuant to **Special Condition No. 6**, 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.

The Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

E. 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 that conforms with 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 applicants. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. CEQA

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. 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.

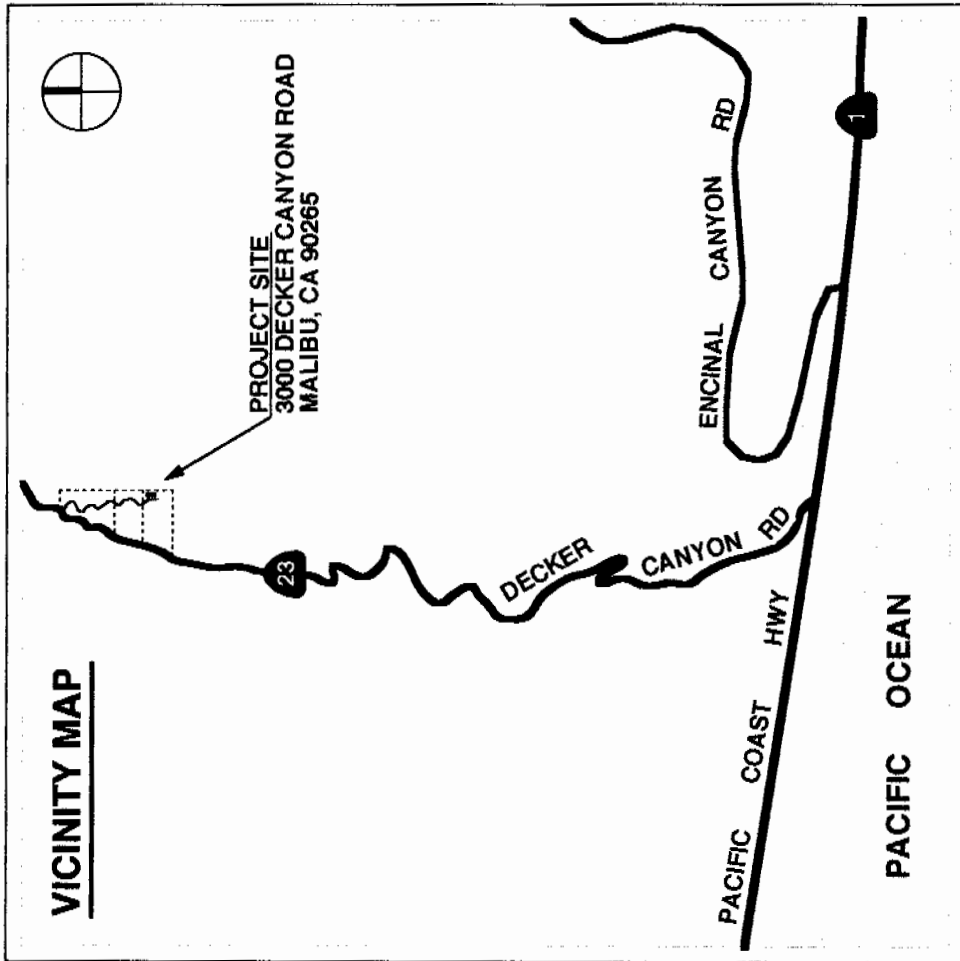


Exhibit 1
4-07-100
Vicinity Map

4472 23

SCALE 1" = 200'

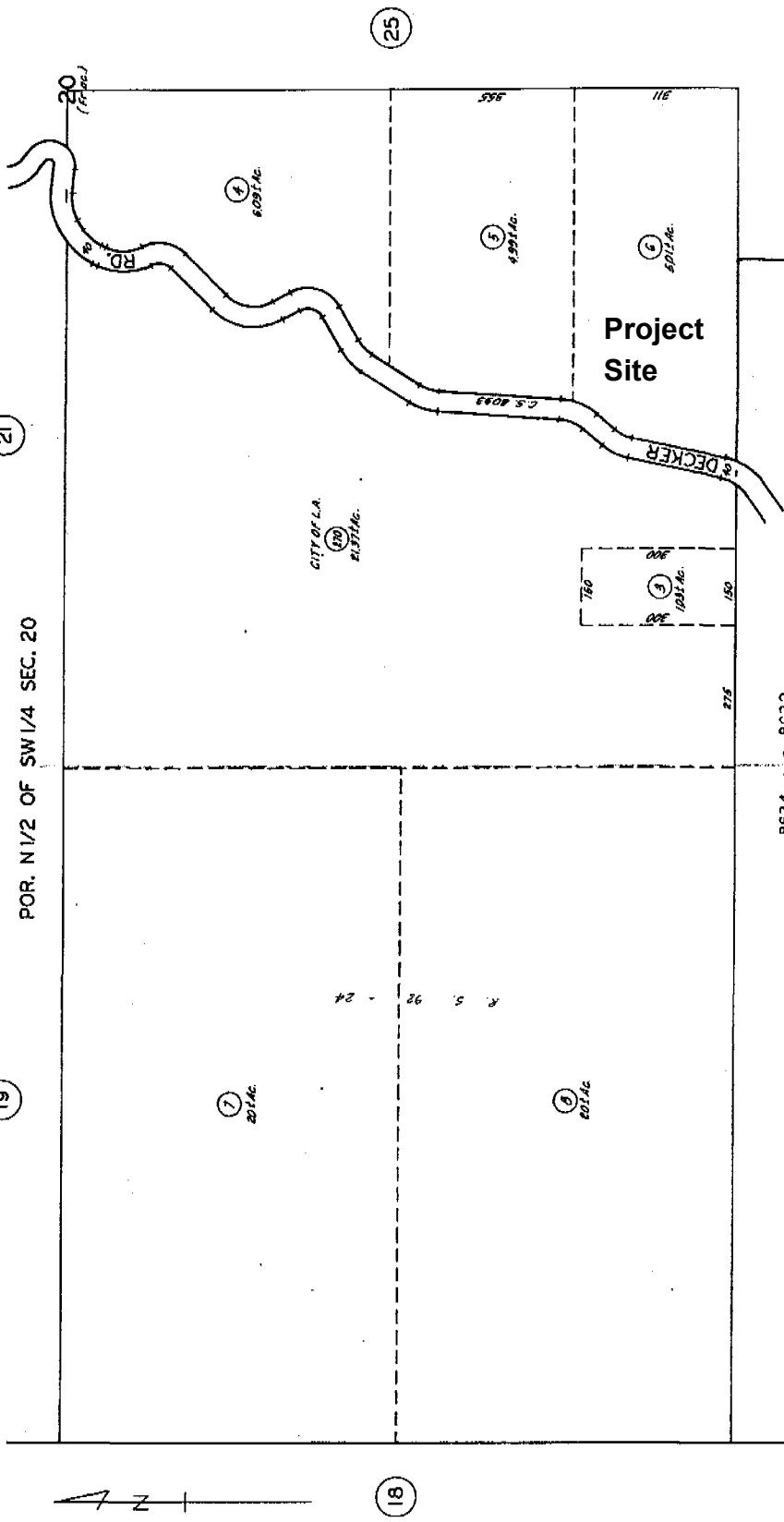
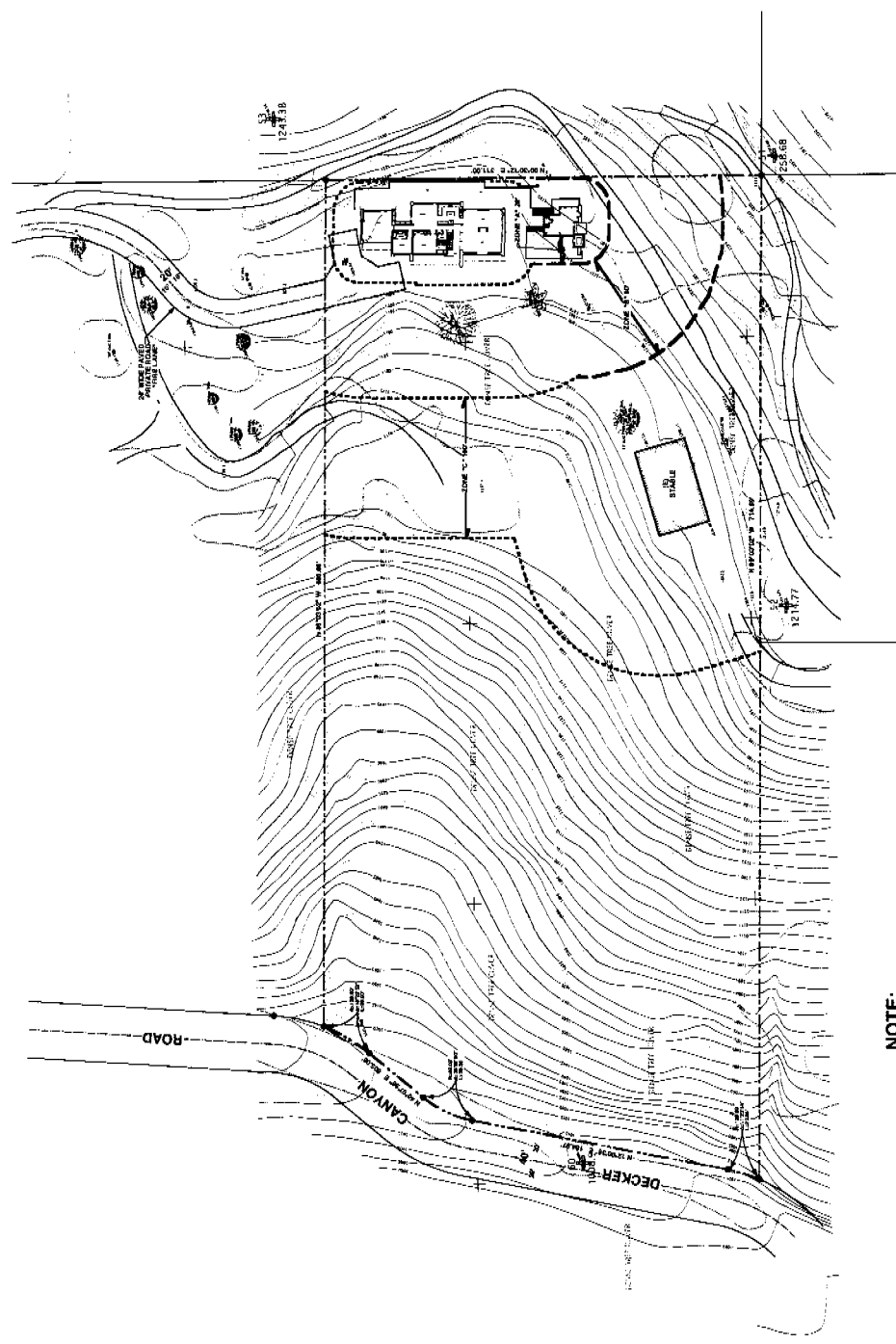


Exhibit 2
4-07-100
Parcel Map

T. 1 S., R. 19 W.

1/4 SEC.

CONTRACT NO. 001-98-113



FULL LOT SURVEY AND ZONE LOCATION
SCALE: 1" = 40' 0"

NOTE:
ADDENDUM TO PREVIOUS SUBMITTAL
FFFM-T200600237, #3249, DATED 7/5/06

Zone A - Beloved Zone

- Exclude 20 feet beyond the edge of any combustible structure, accessory structure, pergola, by structure or material systems that be provided to landscaping to maintain healthy vegetation with high live fuel moisture and greater resistance.
- Retain existing trees, shrubs, vines, ground covers, and arborescent ground cover and trees. The central character of the structure shall provide adequate shade to the environment.
- Species selection should be made reflecting the Fair Mitigation Plan Framework.
- Exclude for dead or dormant trees and shrubs, trees are generally not recommended within Zone A.
- Exclude for dead or dormant trees and shrubs, trees are generally not recommended within Zone A.
- Exclude for dead or dormant trees and shrubs, trees are generally not recommended within Zone A.
- Exclude for dead or dormant trees and shrubs, trees are generally not recommended within Zone A.
- Exclude for dead or dormant trees and shrubs, trees are generally not recommended within Zone A.

Zone B - Infiltration Zone

- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.
- Exclude from the outermost edge of Zone A in 100 feet from structure.

Zone C - Native Grass Thinning Zone

- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.
- Exclude from the outermost edge of Zone B to 200 feet from structure.

Fire Access Road Zone

- Exclude 10 feet from the edge of any public or private roadway that may be used as a fire access road.
- Exclude 10 feet from the edge of any public or private roadway that may be used as a fire access road.
- Exclude 10 feet from the edge of any public or private roadway that may be used as a fire access road.
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Maintenance

- Routine maintenance shall be required to maintain the off-sites which requires:
- Routine maintenance shall be required to maintain the off-sites which requires:
- Routine maintenance shall be required to maintain the off-sites which requires:
- Routine maintenance shall be required to maintain the off-sites which requires:
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- Routine maintenance shall be required to maintain the off-sites which requires:
- Routine maintenance shall be required to maintain the off-sites which requires:

Long Term Maintenance Agreement

The property owner(s) agree to be responsible for the long-term maintenance of this fuel modification plan, as described herein.

Signature	Date
Signature	Date

Exhibit 3a
4-07-100
Site Plan

West Edge Studios

138 11/15 Mohr Way, Rosemead
West, California 91067

310-462-3188
310-233-8748

DATE: 11/15/07
PROJECT: 4-07-100

client:
Decker Canyon L.L.C.
475 Martin Lane
Beverly Hills, CA 90210

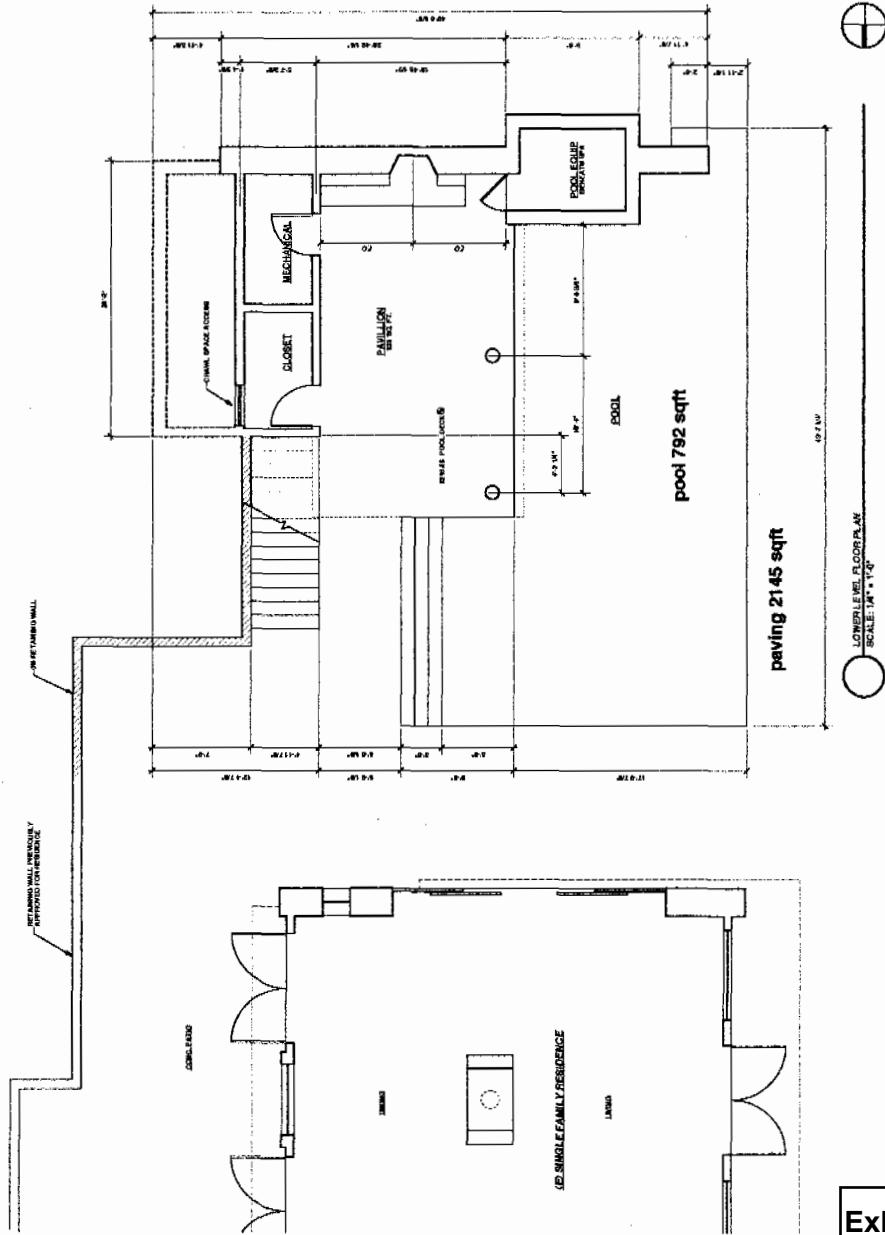
project:
Gershman Pool and
Recreation Room
3000 Decker Canyon Road
Malibu, California 90265

drawing:

Lower Level
Floor Plan

DATE: 11/15/07
BY: [signature]
CHECKED: [signature]
11/15/07

A2.0



LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

Exhibit 4a
4-07-100
Floor Plans

West Edge Studios

508 1/2 Alhambra Street
Pasadena, California 92354

310.463.3188
FAX: 310.467.9489

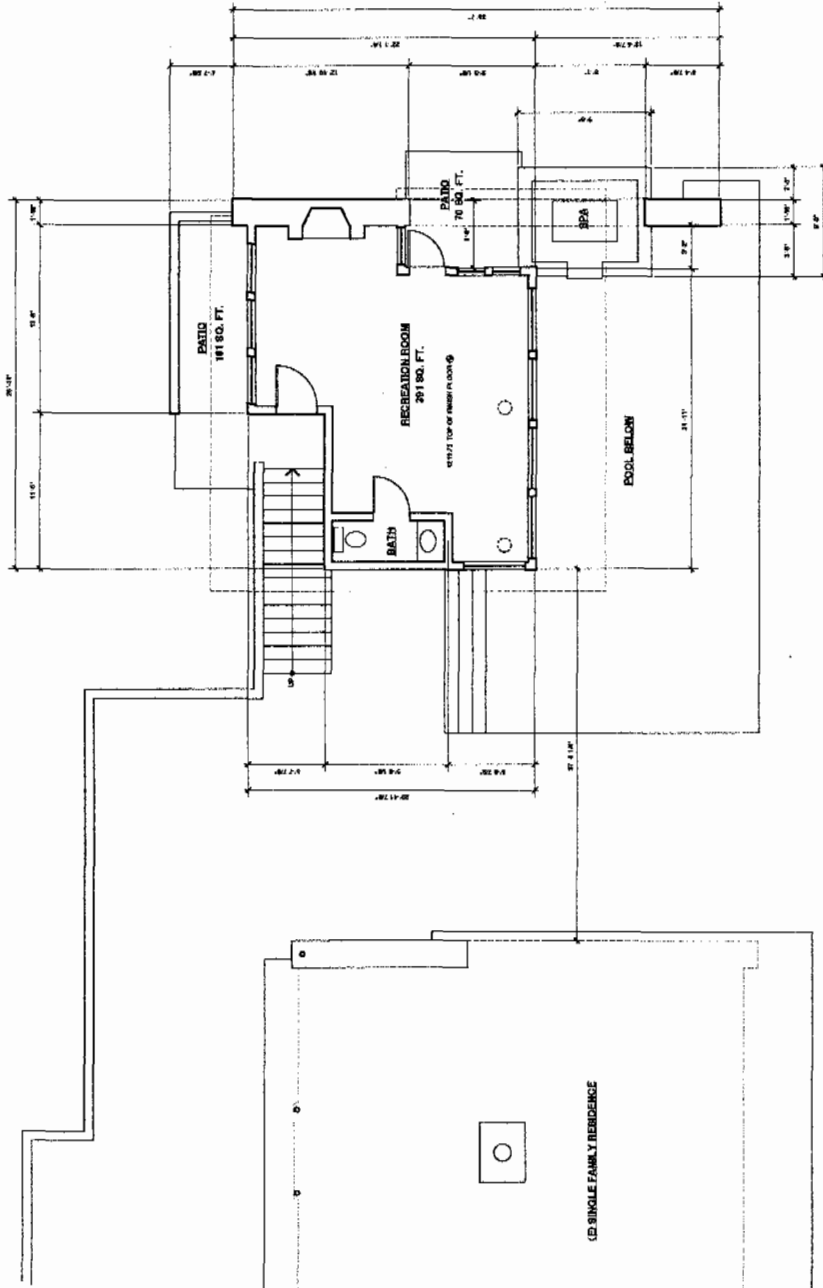
Client:
Decker Canyon LLC
175 Mar Vista Lane
Beverly Hills, CA 90210

Project:
Gerahman Pool and
Recreation Room
3000 Decker Canyon Road
Malibu, California 90265

Sheet Title:
Upper Level
Floor Plan

Scale:
AS SHOWN
DATE:
1/10/07

A3.0



UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

Exhibit 4b
4-07-100
Floor Plans

West Edge Studios

2086 1/2 Abbot Kinney Boulevard
Venice, California 90291

310-804-3189
714X 313-800-3813

DATE: 01/11/07
DRAWN BY: [illegible]
CHECKED BY: [illegible]

OWNER:
Decker Canyon LLC
475 Martin Lane
Beverly Hills, CA 90210

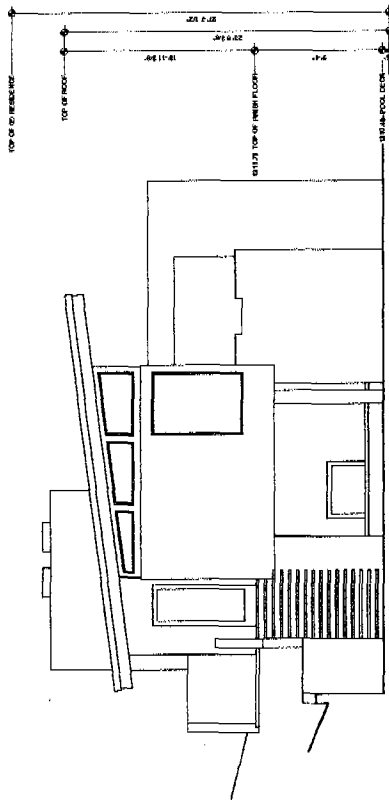
PROJECT:
Cerrahman Pool and
Recreation Room
9000 Decker Canyon Road
Malibu, California 90265

DATE: 1/11/07

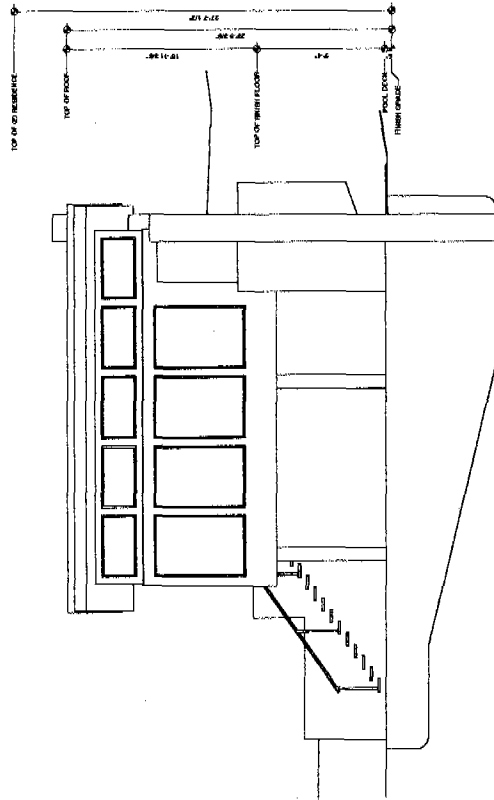
Elevations

SCALE: 1/8" = 1'-0"
1/16" = 1'-0"
1/32" = 1'-0"

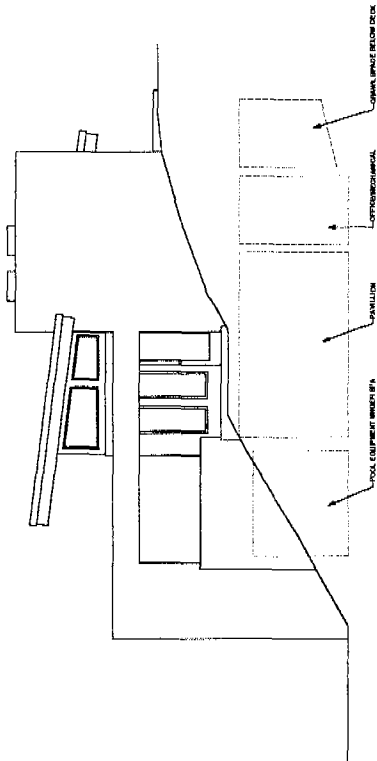
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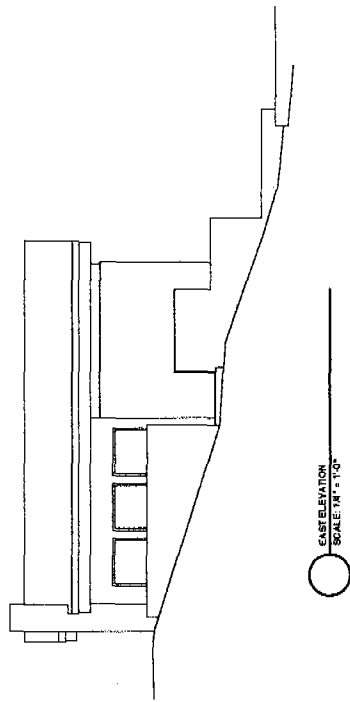
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

Exhibit 5
4-07-100
Elevations