

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W 13a

ADDENDUM

DATE: December 8, 2009
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W 13a, Application No. 4-07-063 (Malibu Sea Breeze, L.L.L.P.), Malibu, Los Angeles County, Wednesday, December 9, 2009

The purpose of this addendum is to modify Special Condition 10, Cumulative Impacts Mitigation, and attach and respond to two letters received from the public regarding this project.

Note: ~~Strikethrough~~ indicates text to be deleted from the November 19, 2009 staff report and underline indicates text to be added to the November 19, 2009 staff report.

1.) Special Condition 10 shall be modified as follows:

10. Cumulative Impacts Mitigation

~~*Prior to issuance of the Coastal Development Permit*, the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished on any lot within the Malibu Vista small lot subdivision, or elsewhere within the Escondido Watershed, to comply with the requirements of the slope intensity formula in accordance with Policy 271(b)(2) of the previously certified 1986 Malibu/Santa Monica Mountains Land Use Plan provided such lot is either a) legally merged with an adjacent developed or developable parcel(s) or b) dedicated in fee title to a public agency. The maximum allowable gross structural area of 1,315 sq. ft. may be increased by 300 sq. ft. upon extinguishment of the development rights of a lot that is not contiguous to the subject lot but which is within the Malibu Vista small lot subdivision or elsewhere within the Escondido watershed, consistent with this special condition. Should the applicant fail to submit the evidence of lot extinguishment required by this Special Condition, the applicant must submit plans demonstrating that the maximum gross structural area for the residence is no more than 1,315 sq. ft., consistent with **Special Condition No. 12, Revised Plans.**~~

10. Cumulative Impacts Mitigation

Prior to the issuance of the Coastal Development Permit, the applicant shall mitigate the cumulative impacts of the proposed development by ensuring that all potential for residential development on one (1) currently legal lot within the Malibu Vista small lot subdivision or elsewhere within the Escondido Watershed (hereinafter, the "GSA lot") has been permanently extinguished by completing the following steps:

- 1) The applicant shall provide, for the review and approval of the Executive Director, evidence that the GSA lot has not been used previously for a similar purpose and is not otherwise currently legally undevelopable.
- 2) The applicant shall submit, for the review and approval of the Executive Director, evidence that a public entity or private non-profit association acceptable to the Executive Director has acquired an Open Space / Conservation Easement, pursuant to a grant deed acceptable to the Executive Director, over the GSA lot, prohibiting development, as defined in Section 30106 of the Coastal Act, grazing, and agricultural activities on the GSA lot, except as indicated in points a through d, below, and allowing the easement holder to ensure compliance with this prohibition. Allowable development will include:
 - a. Brush clearance required by Los Angeles County for permitted structures on adjacent parcels.
 - b. planting of native vegetation and other restoration activities, if approved by the Commission in a coastal development permit;
 - c. construction and maintenance of public hiking trails, if approved by the Commission in a coastal development permit; and
 - d. construction and maintenance of roads, trails, and utilities consistent with existing easements.

The recorded easement grant deed shall include a formal legal description and graphic depiction, prepared by a licensed surveyor, of the entire GSA lot. The recorded document shall reflect that development of the GSA lot is restricted as set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. Such grant of easement shall run with the land in favor of the People of the State of California, binding all successors and assigns, and any such offer to dedicate shall be irrevocable.

- 3) The applicant shall provide evidence, for the review and approval of the Executive Director, that the GSA lot has either been combined with an adjacent lot(s) that is developed or developable and held in common ownership or dedicated in fee title to a public entity other than the easement-holder. If the GSA lot has been combined with an adjacent lot, the combined lot shall be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, taxation, lease, or encumbrance.

- 4) If the GSA lot has been combined with an adjacent lot, the applicant shall submit, for the review and approval of the Executive Director, a title report for the combined lot created pursuant to the prior paragraph that demonstrates that the easement grant required in Section 2 above is on the title and that the combined lot is described as a single lot. The applicant shall also provide evidence to the Executive Director that the applicant has provided documentation of the combination to the county assessor's office and requested that the assessor's office (1) revise its records and maps to reflect the combination of the parcels, including assigning a new, single APN for the unified parcel and (2) send the Commission notice when it has done so, indicating the new, single APN.

2.) A letter was received by the South Central Coast Commission office on December 7, 2009 from Sarah Kern Possick, attached hereto. The letter makes several arguments opposing the staff recommendation of approval. The letter's main arguments are stated below and a staff response follows each argument.

a. The letter states that the conditions of the project fail to protect the environment, in particular visual resources and a valuable oak grove. The letter asserts that the project would fill the entire area and eliminate the value of open Mediterranean landscape. It also asserts that public views will be impacted from numerous hiking trails nearby. The letter cites standards from the City of Malibu that limits heights to 18 feet above finished grade, citing "Malibu/Santa Monica Mountains Land Use Permit §6.7."

In response, staff notes that the staff report has provided an analysis of visual impacts and has analyzed alternatives to reduce the visual impacts of the proposed residence. Staff was originally presented with a project from the applicant that was larger in scale, bulk, and height. Staff worked with the applicant over the course of several months and requested that the applicant provide plans to reduce the size and height of the residence. The applicant submitted revised plans which did in fact reduce the size and height of the residence from what was originally submitted. With respect to the opponents contention that the building exceeds a height limit of 18 feet, staff would note that this standard is presumably from the City of Malibu LCP, as it is not in the Malibu/Santa Monica Mountains Land Use Plan. The 18-foot height limit is not the standard followed in the Santa Monica Mountains outside the City of Malibu. The proposed structure height is consistent with the maximum height limit of 35 feet that the Commission has permitted in past decisions in the Santa Monica Mountains, which is also consistent with the maximum 35 ft. height allowed under the guidance policies of the Malibu/Santa Monica Mountains Land Use Plan. Further, here, because the lot is so small and so steep, the proposed house is designed to be 35 feet in height at some points to allow for an adequate living space within the allowable gross structural area for the property. Additionally, the house does not exceed height and scale of other adjacent residences within the Malibu Vista small lot subdivision. Most importantly, although the proposed house will be visible, it will not have a significant enough negative impact on visual resources to conclude that public views or visual qualities of the area are not being protected.

Further, the oak trees on applicant's property, on the adjacent lot that is not proposed for development, will not be impacted by development. Special Condition 15 requires

the applicant to follow procedures to protect the oak trees during construction on the adjacent lot, including using temporary protective barrier fencing. Not only will these oak trees not be disturbed, these oak trees are not considered environmentally sensitive habitat area, nor are the oak trees part of a larger, contiguous area of oak woodland habitat.

The letter also refers to an easement across an adjacent property and asserts that extending the driveway will not minimize landform alteration. In response, the applicant holds an easement across the adjacent property and plans to construct a driveway for access to the building site on the applicant's property. This easement is a logical location for the driveway due to slope constraints on the small lot proposed for development. The applicant owns the driveway easement, purchased in 2003 for the purpose of ingress and easement, recorded by Los Angeles County as Document No. 03 1964599.

b. The second major point raised by the letter is that alternatives have not been analyzed. The letter states that "the current Project fails to describe any alternatives to the proposed structure" and that "the Report fails to consider an obvious alternative: a smaller, single-story home that would not interfere with the visual or scenic beauty of the area."

In response, staff has considered alternatives to reduce the size and scale of the residence, as noted above. Staff has worked with the applicant to reduce the size and scale of the residence from what was originally proposed. The applicant submitted the Coastal Development Permit application on November 5, 2007. The application was not deemed complete and filed by staff until May 7, 2009. Commission staff met with the applicant over staff's concerns with the size and height of the structure. In response, the applicant provided an alternative plan to staff on November 5, 2007 showing that the height and bulk of the structure had been reduced in several areas of the structure. The applicant presented a newly stepped design, reduced the height on several portions of the residence, proposed to open up the balcony structures, and removed a balcony and stairway along the back of the residence from the plan. Staff determined that this alternative would reduce impacts to the maximum extent feasible because a smaller residence would not further minimize visual impacts. Additionally, the only way a single story residence would potentially be a feasible alternative, is for the residence to be constructed over both of the parcels that make up the project site. Such an alternative would have adverse impacts to the oak trees on the second parcel. As such, this alternative was not required by the Commission. In addition to the revised structural plan, the Commission is requiring several conditions to further minimize visual impacts of the residential structure, including landscaping and fuel modification plans, structural appearance, lighting restrictions, future development restrictions, and a deed restriction.

c. The letter states that the proposed plan fails to adequately address cumulative impacts.

In response, the staff has provided a complete and thorough analysis of cumulative impacts in Section F. of the staff report. This four page section of the November 19, 2009 staff report identifies relevant provisions of the Coastal Act and the Malibu/Santa Monica Mountains LUP, a guidance document, and details how the proposed

residence will comply with the gross structural area limits within the small lot subdivision.

d. Lastly, the letter states that the project fails to minimize adverse impacts relating to fire hazards.

In response, Section B. of the November 19, 2009 staff report identifies the risks of building in high fire areas. The applicant provided Los Angeles County Fire Department preliminary fuel modification approval and the staff recommendation contains several conditions to minimize risks to assure the project's consistency with Section 30253 of the Coastal Act, including: plans conforming to the geotechnical engineer's recommendations, drainage and polluted runoff control plans, interim erosion control plans, landscaping and erosion control plans, removal of excavated material, and fire department access approval.

2.) A letter was received by the South Central Coast Commission office on December 8, 2009 from Rebecca Kern, attached hereto. The letter opposes the project, raising concerns about fire hazards, drainage, and access over the applicant's easement. As explained above, the staff recommendation contains several conditions to minimize risks due to fire hazard. Next, the letter states that a large drainage pipe now exists on the property and raises concerns that the applicant will be building over this drainage pipe. Commission staff is unaware of any such drainage pipe and the Commission has not approved any development on the property. The staff recommendation for this project contains several special conditions to assure proper drainage on the site including: plans conforming to the geotechnical engineer's recommendations, drainage and polluted runoff control plans, interim erosion control plans, landscaping and erosion control plans, and removal of excavated material. Lastly, Ms. Kern's letter raises concerns over access to her adjacent residence if the applicant uses his easement for a driveway. As noted above, the applicant owns an easement for ingress and egress on which he has a right to build an access driveway. In addition, Ms. Kern's letter does not explain how the applicant's use of the easement area would disrupt her access to her property or how any such disruption of her private would raise a Coastal Act issue.

Attachments:

- 1) Letter to Commissioners from Sarah Kern Possick received on December 7, 2009 (4 pages)
- 2) Letter to Commissioners from Rebecca Kern received on December 8, 2009 (1 page)

RECEIVED
DEC 07 2009

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Sarah Kern Possick
27148 Carrita Drive
Malibu, CA 90265

AGENDA NUMBER: W13a
APPLICATION NUMBER: 4-07-063
NAME: Sarah Kern Possick
POSITION: Oppose Proposed
Project

December 1, 2009

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 South California Street, Suite 200
Ventura, California 93001

Re: **Opposition to proposed development project at 27126 Carrita Drive,
Malibu (Los Angeles County) (APN(s) 4461-025-08, 4461-025-09)**

Dear Commissioners:

Thank you for the opportunity to submit comments concerning the proposed approval of the development project at 27126 Carrita Drive, Malibu, California ("Project"). These comments address the oversight of analysis and insufficiencies of the Project. The conditions of the Project proposed by Coastal Commission staff are insufficient because they fail to provide: (1) Protection of our environment; (2) A description of alternatives to the Project; (3) Cumulative Impacts Analysis; and (4) Minimization of Adverse Impacts Associated with Fire Hazards.

I. The Project Fails to Protect our Environment Now and in the Future

The Project will adversely impact our environment by compromising our scenic and visual resources and a valuable oak grove. Protection of these resources is of utmost importance in preserving California's environmental resources. It is the policy for California to "develop and maintain a high-quality environment now and in the future and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." *California Environmental Quality Act* §21001(a). The guiding criterion for public decisions is to ensure long-term protection of the environment and decent home and living environment for every Californian. CEQA §21001(d).

The Project will harm, not protect the visual and scenic environment. The California Coastal Commission Staff Report (hereinafter referred to as "Report") states the Project is located in a scenic area and visible from public viewing points. *California Coastal Commission Staff Report re: Permit Number 4-07-063* page 14. The scenic beauty of the area

is inextricably linked to the native vegetation communities that typify the California Mediterranean landscape. *Malibu/Santa Monica Land Use Permit* Chapter 6. Construction of the Project would destroy the existing natural environment. The open space and low-lying vegetation would be replaced with a large home. These lots are not large and are very close to neighboring homes. Building an approximately 1,600 square foot home would fill the entire area and eliminate the value of open Mediterranean landscape. There are numerous hiking trails nearby, including the well-known Backbone Trail, whose view of the canyon and natural environment will be marred by the construction of a large home in a small area.

The proposed residence is two-stories with a maximum height of 35 feet from existing grade at any given point. *California Coastal Commission Staff Report re: Permit Number 4-07-063* page 20. This height exceeds the limits set forth in the *Malibu/Santa Monica Land Use Permit*:

The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. *Malibu/Santa Monica Land Use Permit* §6.7.

The 35 foot height will make the Project more visible from scenic roads and trails. The proposed height limitation exceeds the limits set forth in the guidelines and will not protect the existing vistas.

The *Malibu/Santa Monica Land Use Permit* sets forth specific ways new development must be constructed to limit impacts to the existing environment. The limitations include conforming to the natural topography, preventing substantial grading or reconfiguration of the project site, requiring that man-made contours mimic the natural contours, and ensuring that graded slopes blend with the existing terrain of the site and surrounding area. *Malibu/Santa Monica Land Use Permit* §6.9(a), (b), (d), and (e). The Project fails to meet these requirements. A 35-foot extension over the natural landscape could hardly be considered conforming to the natural topography. In order to build on the canyon-like, steep-sloped property substantial grading will be unavoidable. Looking at the proposed plans the large house does not blend with the existing terrain and surrounding area. In short, instead of limiting disturbance to the natural environment the Project will be extremely intrusive.

The easement onto a neighboring driveway is also contrary to protection of the scenic areas. "The length of roads or driveways shall be minimized and slopes designed to follow the natural topography in order to minimize landform alteration." *Malibu/Santa Monica Land Use Permit* §6.7. Extending the driveway for the Project into a neighboring property will not minimize landform alteration, in fact it will require greater building if the Project driveway blocks the ingress and egress of the neighboring property.

Furthermore the Project will cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems. *California Coastal Commission Staff Report re: Permit Number 4-07-063* page 16. Such an increase will not be beneficial to the environment or local ecosystems.

As the Report points out native oak trees are an important coastal resource and must be protected. *California Coastal Commission Staff Report re: Permit Number 4-07-063* page 18. At the same time as acknowledging the myriad of benefits of native oak trees the Report dismisses the area as being an Environmentally Sensitive Area because there is not sufficient undergrowth. By failing to recognize the area which has at least four mature oak trees that have survived years of fires and other natural disasters as an Environmentally Sensitive Habitat Area the Report does not provide for the ultimate protection of the trees—namely only allowing uses dependant on the native resources allowed within the area. Although the staff report requires mitigation measures such as the installation of temporary barriers these measures are not sufficient to ensure protection of these important species.

II. The Project Fails to Describe Possible Alternatives.

The California Environmental Quality Act is very clear: any plan or other written documentation required by the regulatory program must include “a description of the proposed activity *with alternatives* to the activity, and mitigation measures to minimize any significant adverse effect on the environment of the activity.” CEQA §21080.5(d)(3)(A)(emphasis added). The current Project fails to describe any alternatives to the proposed structure.

Although the Report states alternatives to the Project have been considered it does not describe these alternatives. “The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources.” *California Coastal Commission Staff Report re: Permit Number 4-07-063* page 20. The Report fails to describe any alternatives considered. Instead the Report summarily states there are no viable alternatives. *Id.* This omission of alternatives violates the requirement of the California Environmental Quality Act. The Report should be rewritten to consider these alternatives and provide the public with an opportunity to comment on the viability of such alternatives.

Furthermore the Report fails to consider an obvious alternative: a smaller, single-story home that would not interfere with the visual or scenic beauty of the area. Instead of considering a smaller home the Report provides an alternative means whereby the developer may expand the size of the home by 300 square feet. This failure to look at ways to limit environmental impact is in direction contradiction to the policies and goals of CEQA. The Project is directly contrary to the public policy of preserving the natural scenic beauty of this area.

The Project’s failure to explore alternatives such as a smaller residence that would fit squarely within the property boundaries violates CEQA. Instead the plan provides for the possibility of the driveway extending beyond the property limit onto an easement. The easement is currently used and has been used by a neighboring property owner since the early 1980s. The easement is used as the driveway for the neighboring property and provides the only means for accessing the neighboring home at 27148 Carrita Drive. Allowing the Project to overlap the existing driveway would create unnecessary disturbance to the existing landscape. It would create a snowball effect of additional construction to provide adequate access to 27148 Carrita Drive. There are clearly alternatives to the construction of the Project to be explored and available for public comment.

III. The Proposed Plan fails to adequately Address Cumulative Impacts

The Cumulative impact of this Project will be detrimental to the environment. "Cumulatively' or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." *California Coastal Act* § 30105.5. There is no question that development of the Project will put considerable strain on the environment and existing community. "The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards." *California Coastal Commission Staff Report re: Permit Number 4-07-063* page 21. This general statement fails to embody the day- to-day challenges and pressures such construction will place on limited resources of the area such as the impact of increased traffic and parking demands on Carrita Drive. The Best Management Practices listed to mitigate the cumulative impacts fails to provide for construction worker and related parking during the construction phase. Carrita Drive is a small, one-lane road, easily blocked by excess parking or construction equipment and vehicles. The plans do not state a designated area for parking during or after the construction phase.

IV. The Project fails to minimize adverse impacts relating to Fire Hazards

The Project fails to describe how it will minimize risks to life and property from fire hazards. The Malibu/Santa Monica LUP requires an evaluation of "site-specific characteristics such as topography, slope, vegetation type, wind patterns etc. and siting and designing development to avoid hazardous locations." *Malibu/Santa Monica LUP* §4.45(a) and (b). As written the Project fails to adequately evaluate topography, slope, vegetation type, and wind patterns pertaining to fire hazards. In an area where fire hazards are extreme such an evaluation is critical. Without such an evaluation the Project should not proceed.

In sum, the evaluation of the Project by the Report is inadequate to address the potentially significant impacts to the environment and especially the families and children living near the Project. The Project's impacts are such that it must be subject to much stricter controls on size, traffic, and parking if the community is to be free from unreasonable interference with their peaceful enjoyment of their homes. Building a large home on small lots sandwiched between existing homes seriously impairs the quality of life of this community. Residents in the area therefore request that the California Coastal Commission NOT approve the Project but conduct an in-depth analysis of the to address the significant impacts of the proposed project.

Respectfully Submitted,


Sarah Kern Possick

December 1, 2009

TO: California Coastal Commission
South Central Coast District
89 South California Street, Suite 200
Ventura, California 93001

FROM: Rebecca Kern DPT
27148 Carrita Rd.
Malibu, California 902656

Rebecca Kern DPT

*Agenda # W13A
Permit # 4-07-063
Rebecca Kern: Opposed*

Dear Commission:

I am writing this letter to oppose the building on lot APN 4461-025-009. I have lived at the adjoining property for 29 years. This is a very rural community with homes that are on at least ½ acre and are at least 2500 sq. ft. My concerns are as follows:

Fire hazard: In 1980 our house burned to the ground in the Bell Canyon fire. There is a very large risk of fires. The house proposed is a 1614 sq. ft. home taking up the entire lot. One can only assume that the garage area will be converted into living space leaving literally no place for this house to park except the road. The road is not a county maintained road and is unable to accommodate cars parked on the road. Other homes in this area have created parking space for extra cars by carving out a space on their own property so the road will be left clear. If the road is blocked and a fire vehicle cannot obtain access this is a real danger. If you approve this property, I ask that you consider including this requirement in the plans.

Drainage Pipe: There is a large drainage pipe going directly through this property. I am assuming since the owner is proposing a 1614 sq. ft. home that they will be building directly over this large drainage pipe. This could create a problem for the community if there is a leak that cannot be reached because of this structure being built on top. This pipe has been here since we moved here in 1980, so the state of the stability of the pipe is unknown.

Easement: We are well aware of the easement that the owner proposes to use to expand his building space. In 1980 we received approval to use this easement for a driveway to our property. This is our only access to 27148 Carrita Rd. It is of great concern to us that this builder is planning on using this space in such a way that will limit our access to our property. If this is passed through coastal and he does indeed infringe on our driveway in such a way that we can not get to our home, this would literally make our house worthless since there is no other way to access our property.

I have always respected the Coastal Commission and know that my concerns are your concerns as well. Please consider this appeal.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Filed: 5/7/2009
180th Day: 11/3/2009 (Waived)
270th Day: 2/1/2010
Staff: A. Tysor
Staff Report: 11/19/09
Hearing Date: 12/9/2009

Item W13a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-07-063

APPLICANT: Malibu Sea Breeze, L.L.L.P.

AGENT: Mehrdad Sahafi, Malibu Design Associates

PROJECT LOCATION: 27126 Carrita Drive, Santa Monica Mountains, Los Angeles County

PROJECT DESCRIPTION: Construction of a 1,614 sq. ft., two-story, 35-ft. high single-family residence with attached 3 car garage, driveway, 761 cu. yds. of grading (329 cu. yds. cut and 432 cu. yds. fill), unenclosed outdoor balconies, and septic system in the Malibu Vista small lot subdivision (Exhibits 1-4). The applicant also proposes to combine two adjacent small lots (APNs 4461-025-008 and 4461-025-009) and build the residence on one lot (APN 4461-025-009). The driveway is proposed to be constructed across a 40 ft. wide easement across the adjacent lot to the west with APN 4461-025-018 (Document No. 03-1964599) (Exhibit 2).

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with conditions.

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. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **CUMULATIVE IMPACTS.** The project site is located within a small-lot subdivision, and the proposed residence would not conform to the maximum gross structural area (GSA) allowed for the two parcels if the parcels were viewed in isolation. The applicant proposes to extinguish development rights on one additional parcel to increase the GSA. The extinguishment is required as a condition of approval.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and will adversely impact visual resources. There are no design alternatives that would avoid or reduce visual impacts. However, the residence is not excessive in height or size and would be compatible with the character of other residential development in the Malibu Vista small lot subdivision. The project is conditioned to minimize the visual impact by requiring the structure to be finished in a color consistent with the surrounding landscape, by requiring windows be made of non-reflective glass, by the use of native landscaping, and by limiting night lighting.

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EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Site Plan (showing all 3 parcels)
- Exhibit 4. Site Plan
- Exhibit 5. Main Floor Plan
- Exhibit 6. Upper Floor Plan
- Exhibit 7. Roof Plan
- Exhibit 8. Cross Section A
- Exhibit 9. Cross Section B

- Exhibit 10. Cross Section C
 - Exhibit 11. North Elevation
 - Exhibit 12. South Elevation
 - Exhibit 13. West Elevation
 - Exhibit 14. East Elevation
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LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 5/17/2007; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated 4/2/2009; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated 9/18/09; Las Virgenes Municipal Water District, Conditional Statement of Water Service, dated November 5, 2007.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Percolation Test Feasibility Study, prepared by Strata-Tech, Inc. Geoconsultants, dated February 18, 2008; Geotechnical Update for Preliminary Geotechnical Investigation, prepared by Strata-Tech, Inc. Geoconsultants, dated January 22, 2005; Geotechnical Engineering Investigation, prepared by Strat-Tech, Inc., dated March 10, 1999.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-07-063 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 Geotechnical Engineer's Recommendations**

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, 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. **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.

3. Drainage and Polluted Runoff Control Plan

A. **Prior to issuance of the Coastal Development Permit**, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (2) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design should be utilized for any landscaping requiring water application.
- (3) All slopes should be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.
- (4) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.
- (5) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.
- (6) 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 final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer, or qualified licensed professional, or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) 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 plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) 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.
- (e) The 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.

- (f) 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.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) 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, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time 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 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) Fuel Modification Plans

Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main 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.

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit to 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 requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

6. Structural Appearance

Prior to 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 this Coastal Development Permit. 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, driveways, 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 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 this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

7. 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.

8. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. 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 the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the 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.

10. Cumulative Impacts Mitigation

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished on any lot within the Malibu Vista small lot subdivision, or elsewhere within the Escondido Watershed, to comply with the requirements of the slope intensity formula in accordance with Policy 271(b)(2) of the previously certified 1986 Malibu/Santa Monica Mountains Land Use Plan provided such lot is either a) legally merged with an adjacent developed or developable parcel(s) or b) dedicated in fee title to a public agency. The maximum allowable gross structural area of 1,315 sq. ft. may be increased by 300 sq. ft. upon extinguishment of the development rights of a lot that is not contiguous to the subject lot but which is within the Malibu Vista small lot subdivision or elsewhere within the Escondido watershed, consistent with this

special condition. Should the applicant fail to submit the evidence of lot extinguishment required by this Special Condition, the applicant must submit plans demonstrating that the maximum gross structural area for the residence is no more than 1,315 sq. ft., consistent with **Special Condition No. 12, Revised Plans**.

11. Lot Combination

- A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the 2 parcels known as APN 4461-025-008 and APN 4461-025-009 shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.
- B. ***Prior to issuance of this coastal development permit***, the applicant shall execute and record a deed restriction against each parcel described above, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the two parcels being recombined and unified. 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.
- C. ***Prior to issuance of this coastal development permit***, but after the deed restriction described in the prior paragraph is recorded, the applicant shall provide evidence to the Executive Director that the applicant has provided a copy of the recorded deed restriction to the county assessor's office and requested that the assessor's office (1) revise its records and maps to reflect the combination of the parcels, including assigning a new, single APN for the unified parcel, and (2) send the Commission notice when it has done so, indicating the new, single APN.

12. Revised Plans

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. All plans must be drawn to scale with dimensions shown. The final revised project plans and project description shall reflect the following:

- (1) habitable space no greater than 1,315 sq. ft. if **Special Condition 10** is not fulfilled, and
- (2) plans depicting no roof or enclosures over all of the proposed balconies.

B. The Permittee shall undertake development in accordance with the final approved 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 Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

13. Removal of Excavated Material

Prior to 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.

14. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50-foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

15. Oak Tree Protection

To ensure that the oak trees on the undeveloped parcel (APN 4461-025-008) are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations occurring on the adjacent parcel (APN 4461-025-009).

16. Fire Department Access Approval

Prior to issuance of the Coastal Development Permit, the applicant shall provide evidence to the Executive Director of County of Los Angeles Fire Department, Fire Prevention Engineering access approval.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a 1,614 sq. ft., two-story, 35-ft. high single-family residence with attached 3 car garage, driveway, 761 cu. yds. of grading (329 cu. yds. cut and 432 cu. yds. fill), unenclosed outdoor decks, and septic system at 27126 Carrita

Drive in the Malibu Vista small lot subdivision in the Santa Monica Mountains, unincorporated Los Angeles County (Exhibits 1-4). The applicant also proposes to combine two adjacent small lots (APNs 4461-025-008 and 4461-025-009) and build the residence on one lot (APN 4461-025-009). The driveway is proposed to be constructed within a 40 ft. wide easement held by the applicant across the adjacent lot to the west with APN 4461-025-018 (Document No. 03-1964599) (Exhibit 2). The parcel to be developed (APN 4461-025-009) is 0.13 acres, or 5,589 sq. ft. and the adjacent parcel to be combined, but to remain undeveloped, is 0.15 acres in size, or 6,329 sq. ft. The parcels are situated among single-family residences to the north and south, Carrita Drive to the west, and Old Chimney Road to the east in a highly developed small lot subdivision.

The proposed project site is located within the Escondido Canyon watershed, at an elevation of approximately 1,110 feet above sea level. The property is situated on the east slope of a ridge that forms the west shoulder of Escondido Canyon. Site slopes descend to the east at a 30 percent slope. Escondido Canyon Creek, a U.S. Geological Survey (U.S.G.S.) designated blue-line stream, lies approximately 300 feet downslope to the east of the site. There are no existing or mapped public trails on or adjacent to the subject property.

The project site is located in a scenic area and visible from public viewing points, including Latigo Canyon Road, a major public roadway in the Santa Monica Mountains. The proposed residence is two-stories with a maximum height of 35 feet from existing grade at any given point. The residence will require approximately 761 cu. yds. of grading (329 cu. yds. cut and 432 cu. yds. fill). To reduce the structure's visual impact, the applicant has modified the building design by reducing the amount of external stairways and by reducing the bulk of the structure. The applicant has redesigned the east side of the residence with cut in balcony areas to reduce visible impacts due to massing from Latigo Canyon Road, approximately 600 feet the east. The applicant has also redesigned the balconies along the front (west) and side (south) of the structure to replace plans for a roof with plans for only a trellis covering the balconies.

This area is not considered to be an environmentally sensitive habitat area (ESHA) due to the fact that the site has been previously disturbed by the presence of roads and residential development in the Malibu Vista small lot subdivision. The parcel directly to the west of the parcel to be developed (and combined with the parcel to be developed), contains several isolated multi-trunk Coast Live Oak trees (*Quercus agrifolia*) that will not be disturbed. Although the oak trees are not considered to be ESHA, in past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, as discussed in greater detail below.

In the Santa Monica Mountains, the Los Angeles County Fire Dept. requires a 200-ft fuel modification (on-site) and/or brush clearance (off-site) zone from combustible structures. In this case, the 200-ft fuel modification/brush clearance zone overlaps with existing fuel modification zones for existing adjacent development. Therefore fuel modification/brush clearance required for the proposed project will not result in impacts to environmentally sensitive habitat areas.

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 and erosion, 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 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: Assumption of Risk, Waiver of Liability and Indemnity

Special Condition 3: Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control

Special Condition 5: Landscaping and Erosion Control Plans

Special Condition 13: Removal of Excavated Material

Special Condition 16: Fire Department Access Approval

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 and aquatic resources 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, reductions in groundwater recharge, 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 and aquatic resources resulting from 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 and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures

during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

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

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

Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities

Special Condition 5: Landscaping and Fuel Modification Plans

Special Condition 13: Removal of Excavated Material

Special Condition 14: Removal of Native Vegetation

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

D. OAK TREE PROTECTION

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 **30250(a)** of the Coastal Act states:

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 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 the surrounding parcels.

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.

1. Protection of Oaks

The project site is located within a disturbed oak woodland, in a small lot subdivision, where the past creation of urban-scale parcels has resulted in a higher density of residential development. The subject site is itself disturbed and while there are oak trees present, understory plant species and connectivity to other woodland areas are lacking and therefore the site is not considered to be an environmentally sensitive habitat area. However, through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, even where they are not part of a larger woodland that is ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component of the visual character and scenic quality of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, stretching as far as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into (in other words, portions of the proposed structures, or grading will be located within) the protected zone of an oak tree can also result in significant adverse impacts. Encroachments of development will result in impacts including, but not limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Changes in

the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree. Further, the introduction of development within an oak woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe lessening of health, (including death) depending on the location and extent of the encroachments.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

Here, no oak trees will be removed and no development is proposed within the protected zone of oak trees on the site. Furthermore, no development is proposed on the lot containing several oaks. However, to assure that no impacts to oak trees will occur due to development on the adjacent small lot, the Commission requires the applicant to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. The following special condition is required, as determined in the findings above, to assure the project's consistency with Sections 30240, 30250, and 30251 of the Coastal Act:

Special Condition 15: Oak Tree Protection

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30240, 30250, and 30251 of the Coastal Act with regard to oak tree protection.

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.

The proposed project is located on a small hillside parcel located adjacent to existing residential development within the Malibu Vista small lot subdivision. The project site is

visible from public viewing points, including Latigo Canyon Road, a major public roadway in the Santa Monica Mountains, approximately 600 feet away along the adjacent ridge to the east. Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

The proposed residence is two-stories with a maximum height of 35 feet from existing grade at any given point. The residence will require approximately 761 cu. yds. of grading (329 cu. yds. cut and 432 cu. yds. fill). To reduce the structure's visual impact, the applicant has modified the building design by reducing the amount of external stairways and by reducing the bulk of the structure. The applicant has redesigned the south side of the residence with cut in balcony areas to reduce visual resource impacts due to massing from Latigo Canyon Road. The applicant has also redesigned the balconies along the front (west) and side (south) of the structure to replace plans for a roof with plans for only a trellis covering the balconies. The proposed building site and design minimizes the amount of grading and landform alteration necessary for the project and there are no siting alternatives where the building would not be visible from public viewing areas.

The proposed structure is compatible with the character of other residential development in the Malibu Vista small lot subdivision and would be compatible with the height and size of other residential structures on the adjacent lots. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP.

Even with the building design modifications proposed by the applicant, the proposed development will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

Additionally, the Commission 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.

The following special conditions are required to assure the project's consistency with Section 30251 of the Coastal Act:

- Special Condition 5:** Landscaping and Fuel Modification Plans
- Special Condition 6:** Structural Appearance
- Special Condition 7:** Lighting Restriction
- Special Condition 8:** Future Development Restriction
- Special Condition 9:** Deed Restriction

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

F. CUMULATIVE IMPACTS

Section **30250(a)** of the Coastal Act states:

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 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 the surrounding parcels.

Section **30252** of the Coastal Act states:

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.

Section **30105.5** of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

...the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

1. Small Lot Subdivisions

The proposed project involves the construction of a new single-family residence, within a small lot subdivision. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas, to minimize the cumulative impacts of such development, consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

2. Project Consistency

The proposed project site is located in the Malibu Vista small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the combination of two adjacent small lots and the construction of a 1,614 sq. ft., single-family residence with attached three-car garage one of the two parcels that is 5,589 sq. ft. in size. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1,315 sq. ft. of habitable space, taking into account the area and average slope of the two lots combined. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. However, the proposed 1,614 sq. ft. of habitable space is *not consistent* with the maximum allowable GSA of 1,315 sq. ft. Rather, the applicant proposes to retire one parcel to increase the maximum GSA by 300 sq. ft.

In addition, in order to meet the above referenced GSA requirement of 1,315 sq. ft., the applicant proposes to utilize the area and slope of two lots (APNs 4461-025-009 and 4461-025-009). In order to ensure that the undeveloped parcel cannot be developed with an additional residential use in the future, the two lots must be combined. The applicant submitted a copy of a covenant and agreement to hold both parcels as one lot that was recorded in Los Angeles County on November 21, 2006. However, such agreements are only between the County and the landowner and could be revoked in the future if both parties agree. The lot combination condition will assure that these two parcels remain combined in perpetuity.

As designed, the proposed project does not minimize cumulative impacts to coastal resources because it includes development in excess of the amount calculated under the GSA formula. However, pursuant to Policy 271 of the Malibu/Santa Monica Mountains LUP, the maximum allowable gross structural area (GSA) as calculated above, may be increased as follows:

- | |
|--|
| <ol style="list-style-type: none">(1) Add 500 square feet for each lot, which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.(2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites, or dedicated in fee title to a public agency, and all potential for residential development on such lot(s) is permanently extinguished. |
|--|

Consistent with the above parameters, the applicant may permanently extinguish development rights on adjacent or non-contiguous parcels as described above in order to achieve the proposed square footage. The applicant has indicated that it intends to retire one non-contiguous parcel in order to increase the maximum allowable GSA by 300 feet. However, the applicant has not indicated the location of such a lot. In order to ensure that cumulative impacts are minimized, the Commission requires evidence, prior to issuance of the coastal development permit, that all potential for future development has been permanently extinguished on any lot within the Malibu Vista small lot subdivision, or elsewhere within the Escondido Canyon Watershed, to comply with the requirements of the slope intensity formula. Alternately, if the applicant does not provide

adequate evidence of the applicable extinguishment of development rights, the Commission requires the applicant to submit revised project plans demonstrating that the maximum gross structural area for the residence is no more than 1,315 sq. ft. to comply with the maximum Gross Structural Area calculation. Furthermore, the revised plans condition requires the applicant to submit revised plans deleting plans for a roof over the balconies surrounding the residence in order to assure that such areas cannot be easily enclosed to provide habitable space, which would exceed the GSA limit.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires a future improvements restriction on this lot, which would 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.

Additionally, the Commission 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.

The following special conditions are required to assure the project's consistency with Sections 30250 and 30252 of the Coastal Act, as well as the Los Angeles County LUP:

- Special Condition 8:** Future Development Restriction
- Special Condition 9:** Deed Restriction
- Special Condition 10:** Cumulative Impacts Mitigation
- Special Condition 11:** Lot Combination
- Special Condition 12:** Revised Project Plans

The Commission therefore finds that the proposed project, only as conditioned, is consistent with Sections 30250(a) and 30252 of the Coastal Act, as well as the guidance policies of the Malibu/Santa Monica Mountains Land Use Plan.

G. LOCAL COASTAL PROGRAM (LCP) PREPARATION

Section **30604(a)** of the Coastal Act states that:

- 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 coastal 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 projects 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 development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 16

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).

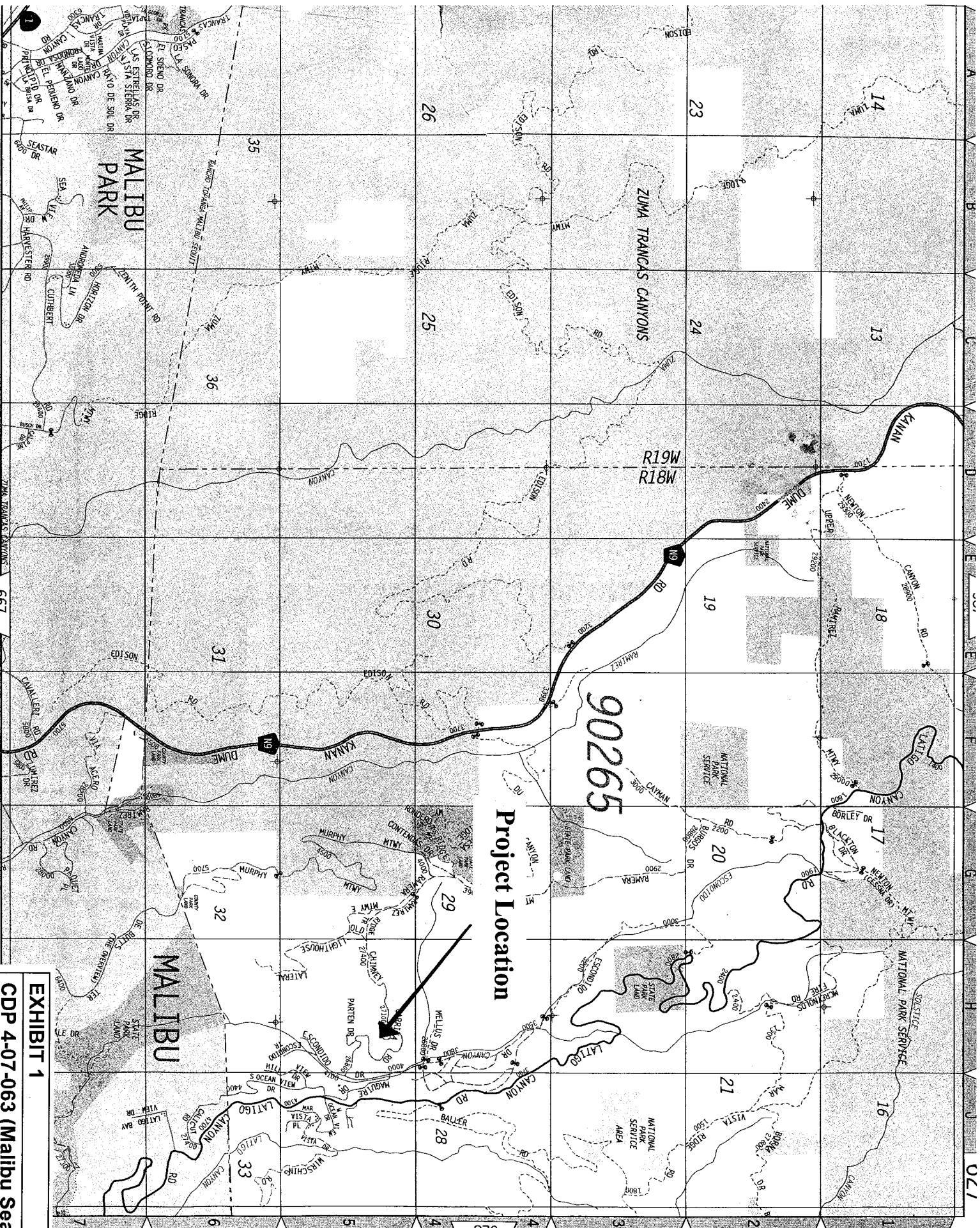
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 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. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 16

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



Project Location

90265

MALIBU PARK

ZUMA FRANCISCAN CANYONS

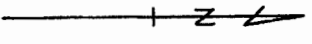
MALIBU

SEE MAP 667

SEE MAP 628

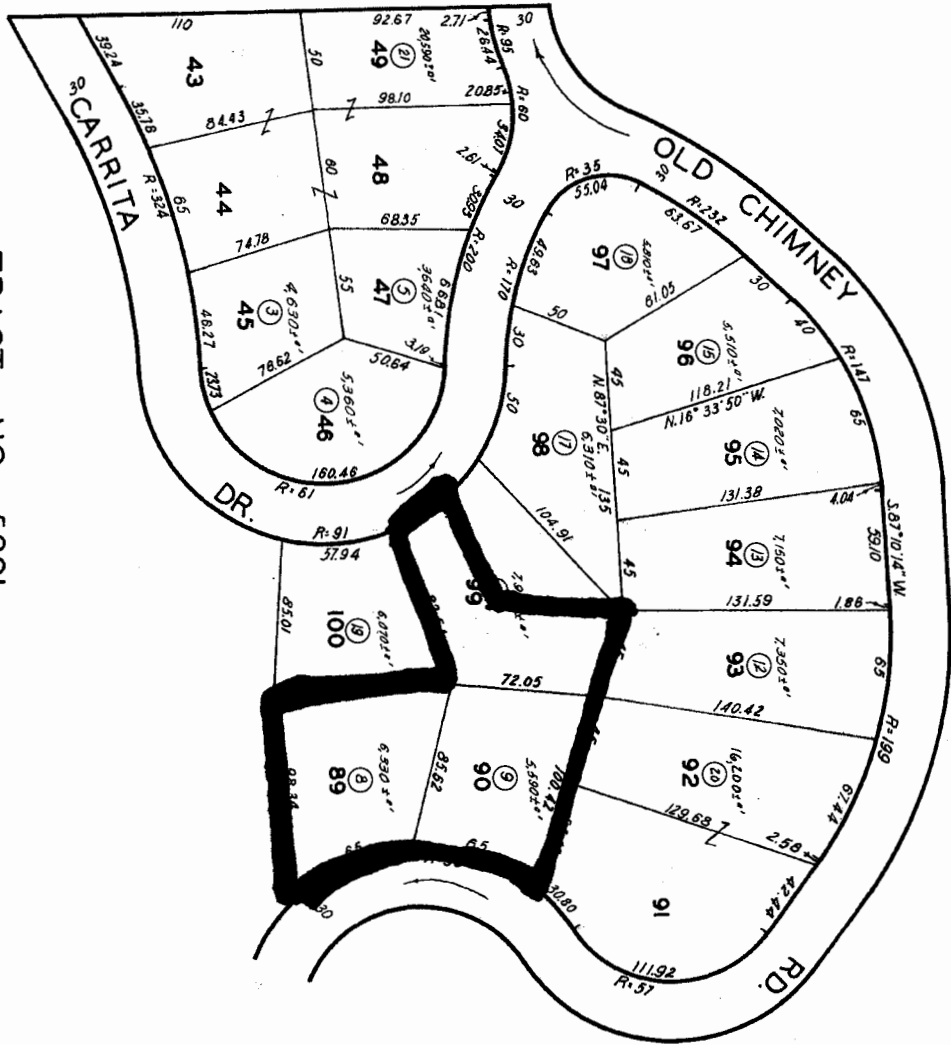
EXHIBIT 1
CDP 4-07-063 (Malibu Sea Breeze)
 Vicinity Map

1996



CODE
8663

FOR PREV. ASSM'T. SEE: 482 - 209



TRACT NO. 5801

M. B. 149-23-28

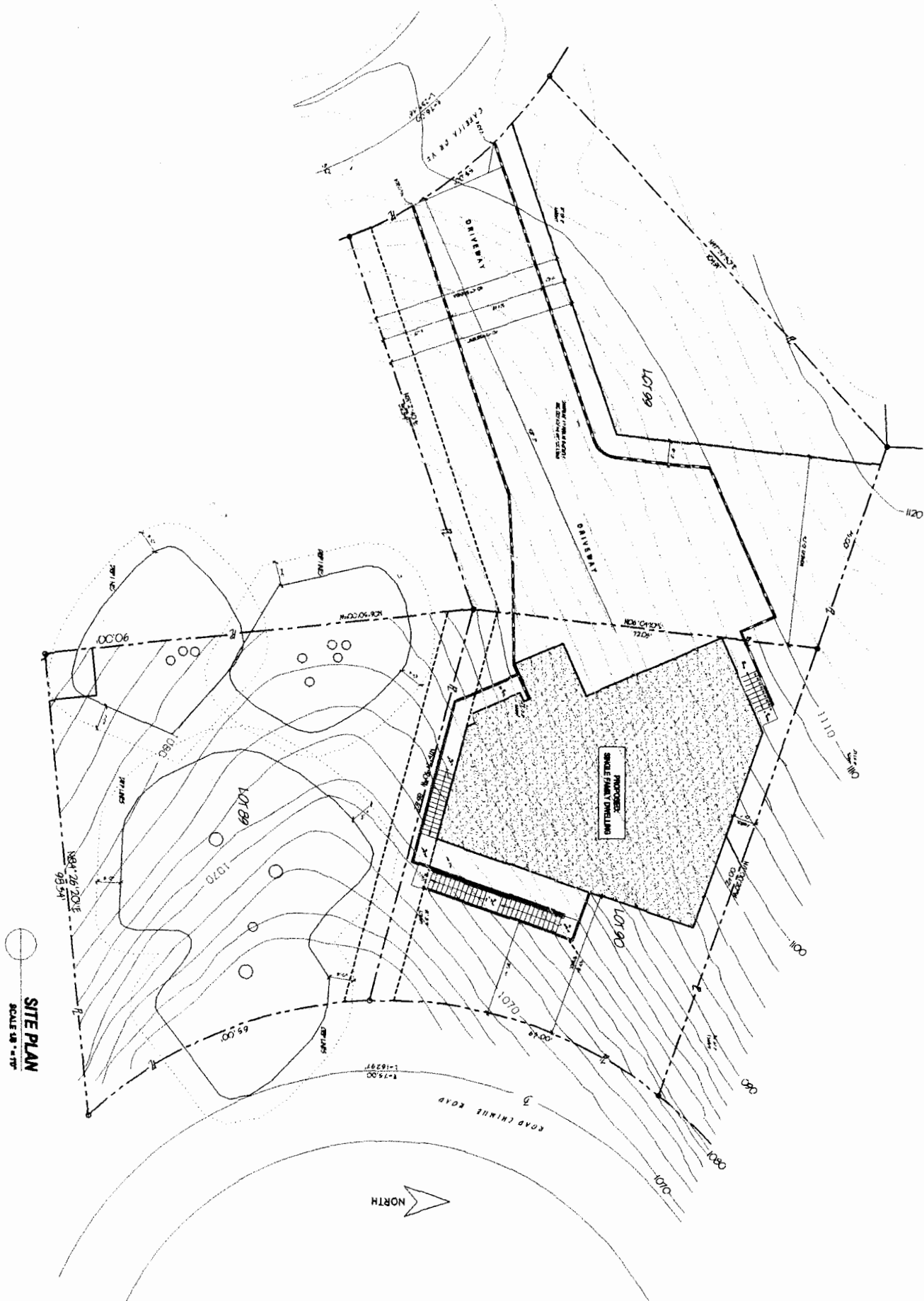
CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

RECEIVED
 JUL - 9 2007

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF.

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 36032107005001-07

EXHIBIT 2
CDP 4-07-063 (Malibu Sea Breeze)
Parcel Map

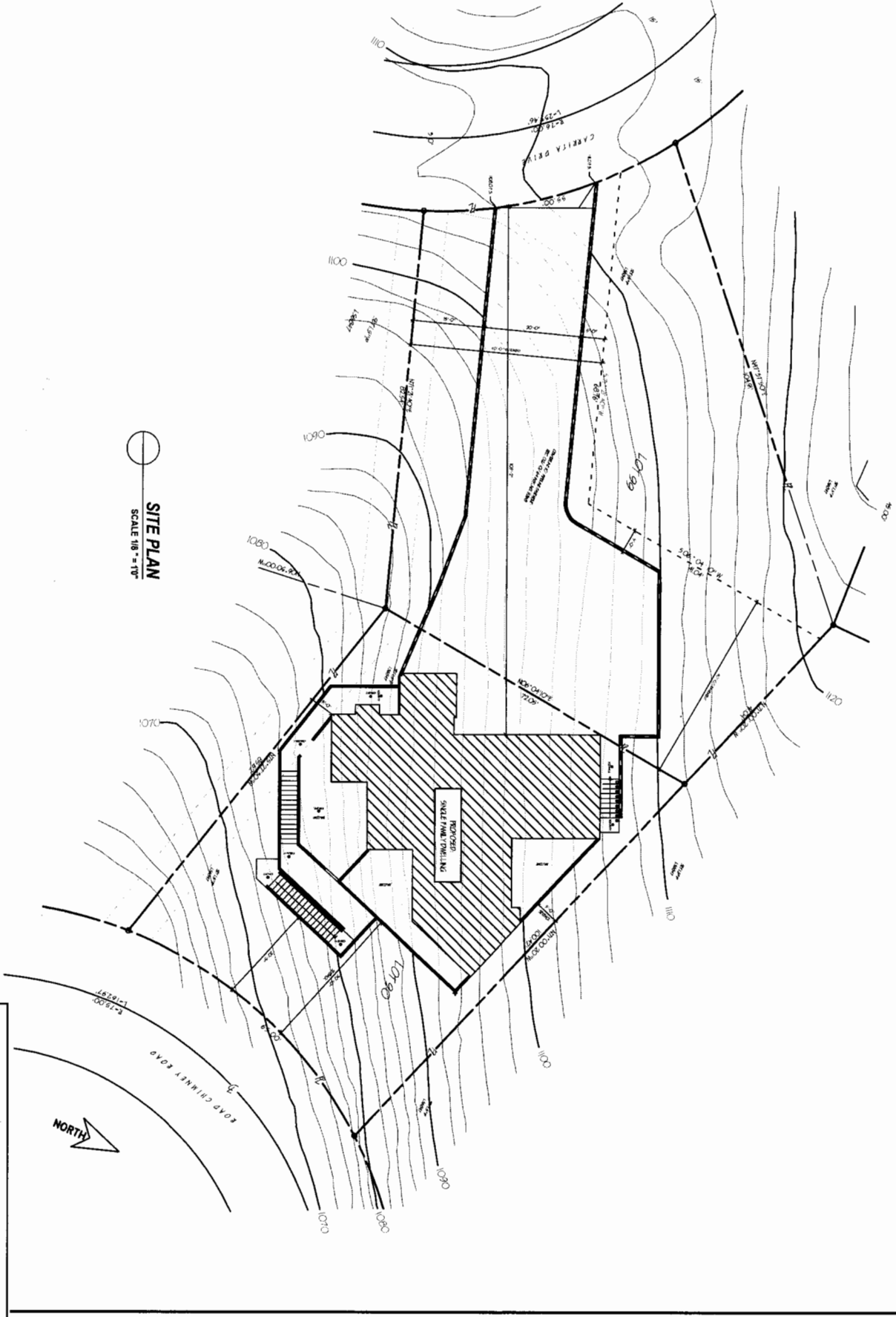


SITE PLAN
SCALE 1/8" = 1'-0"

EXHIBIT 3
CDP 4-07-063 (Malibu Sea Breeze)
Site Plan Showing All 3 Parcels

<p>PREPARED FOR: PROPOSED CARRITA RESIDENCE JOB ADDRESS: 27118 CARRITA DRIVE MALIBU, CA. 90268 SHEET TITLE: SITE PLAN</p>	<p>PREPARED FOR: FLO CERFINA & MEHRDAD SAHAFI OWNER ADDRESS: 31739 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90268</p>	<p>DATE: 11/10/08 SCALE: 1/8" = 1'-0" SHEET NO.: 1 OF 1</p>	<p>MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921</p>	<p>APN # 4461-025-008/4461-025-009</p>
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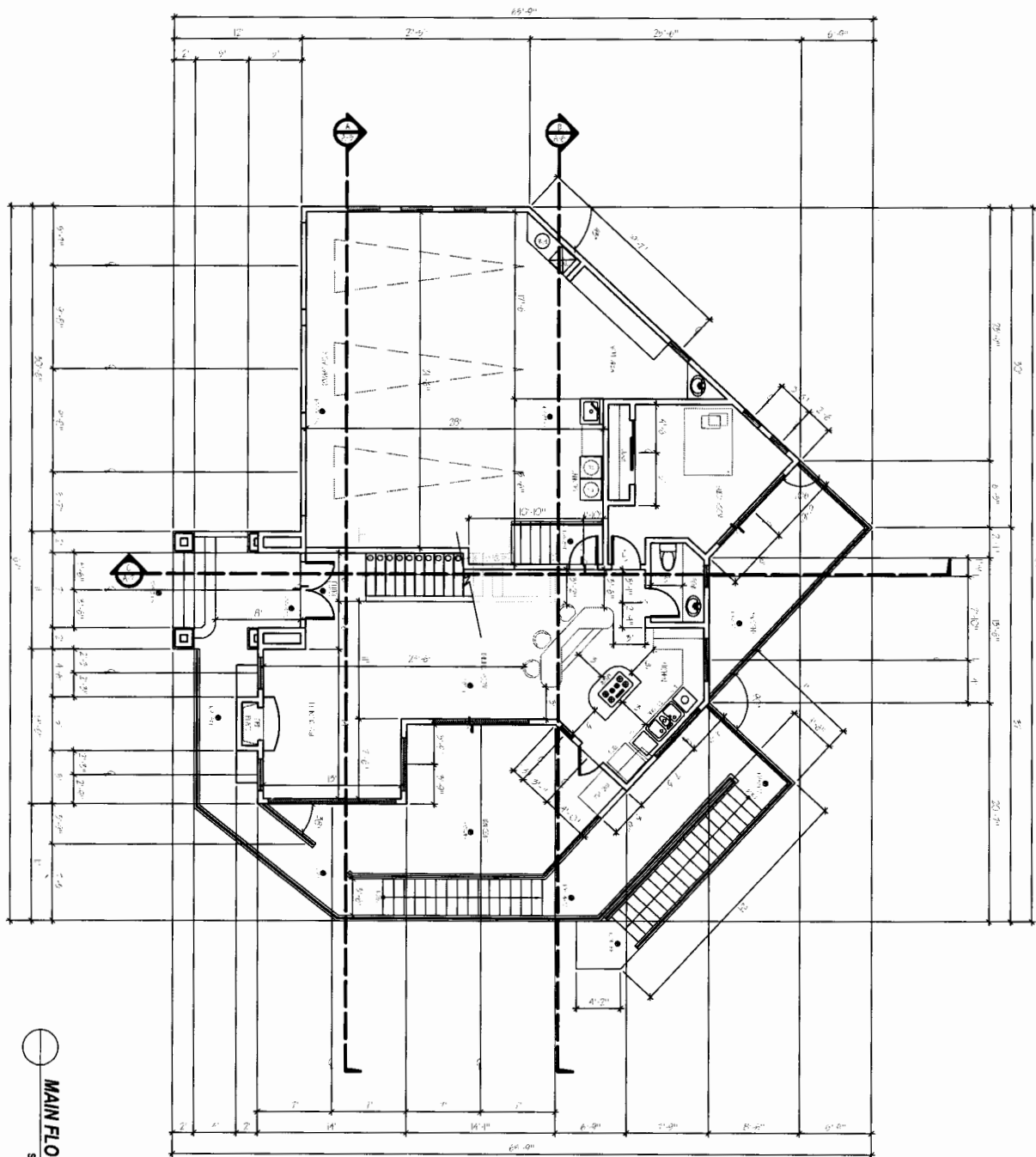
APN # 4461-025-018, 4461-025-009



SITE PLAN
SCALE 1/8" = 1'-0"

EXHIBIT 4
CDP 4-07-063 (Malibu Sea Breeze)
Site Plan

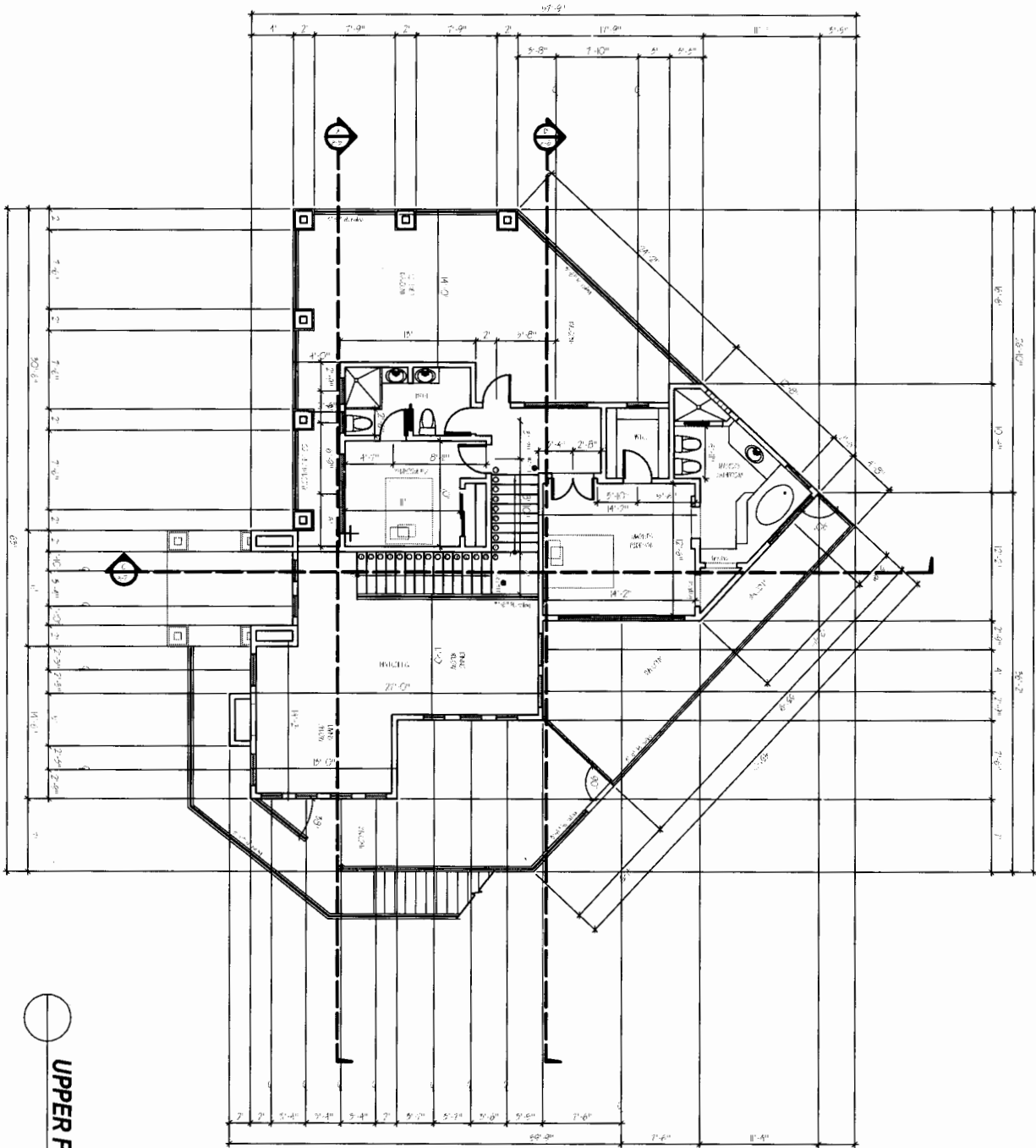
<p>DESIGNED BY M. SAHAFI</p> <p>CHECKED BY M. SAHAFI</p> <p>DATE 12/20/05</p>	<p>PREPARED FOR PROPOSED CARRITA RESIDENCE</p> <p>27126 CARRITA DRIVE MALIBU, CA. 90265</p> <p>DATE SITE PLAN</p>	<p>PREPARED FOR FLOCCERFINA & MEHRDAD SAHAFI</p> <p>OWNER ADDRESS 31759 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265</p>	<p>REGISTERED ARCHITECT M. SAHAFI NO. 10000 STATE OF CALIFORNIA</p>	<p>MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921</p>	<p>DATE 12/20/05</p> <p>SCALE 1/8" = 1'-0"</p> <p>PROJECT NO. CDP 4-07-063</p>
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MAIN FLOOR PLAN
 SCALE 1/4" = 1'-0"

EXHIBIT 5
CDP 4-07-063 (Malibu Sea Breeze)
Main Floor Plan

PREPARED BY PROPOSED CARRITA RESIDENCE JOB ADDRESS 27126 CARRITA DRIVE MALIBU, CA 90265 SHEET NO. MAIN FLOOR PLAN	PREPARED FOR FLOCCERFINA & MEHRDAD SAHAFI OWNER ADDRESS 51759 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	COPYRIGHT © 2005 MALIBU DESIGN ASSOCIATES AND THE ARCHITECTS ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM MALIBU DESIGN ASSOCIATES AND THE ARCHITECTS.	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA, 90265 PHONE (310) 457-4998 FAX (310) 457-3921	SHEET NO. 18
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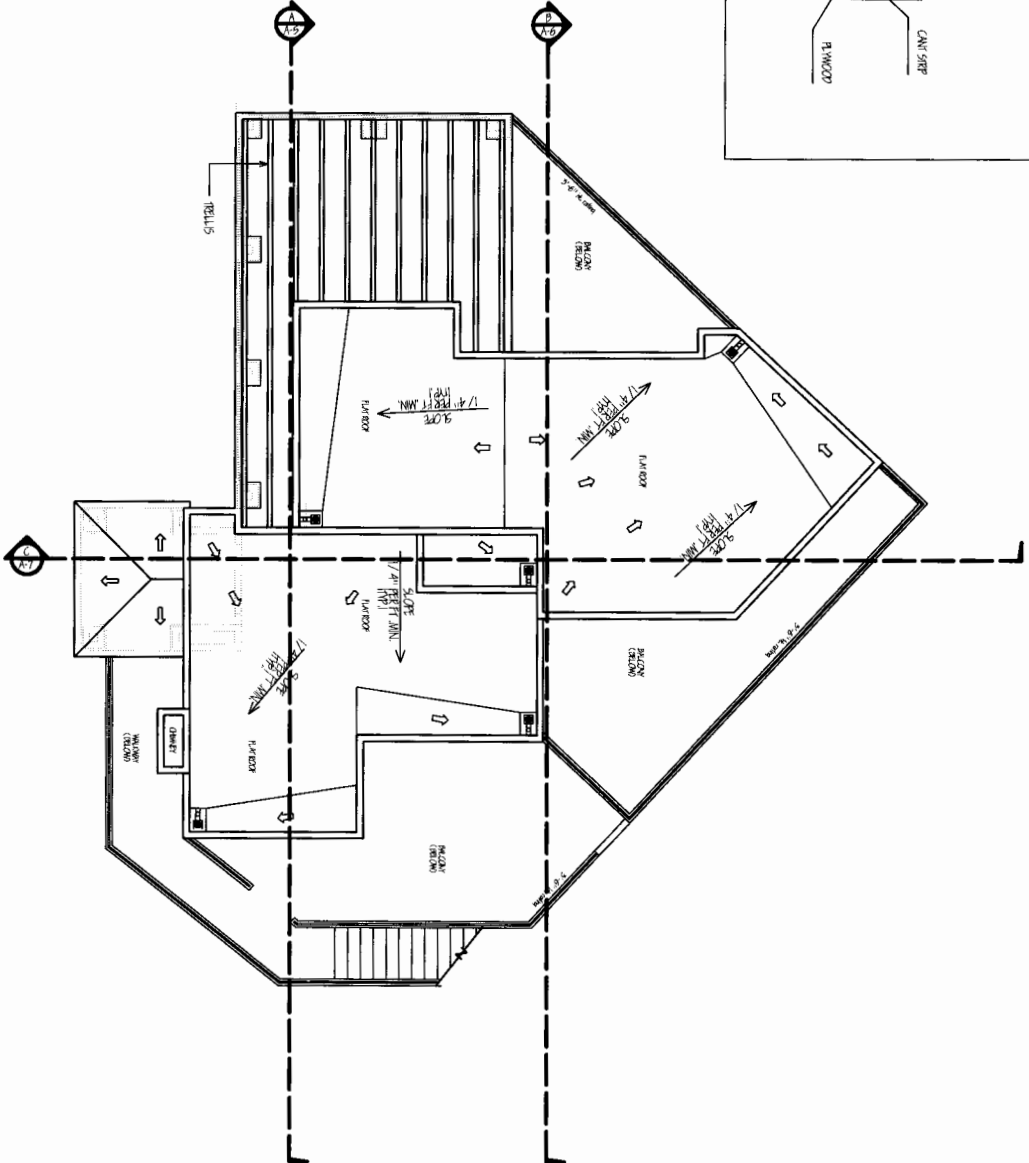
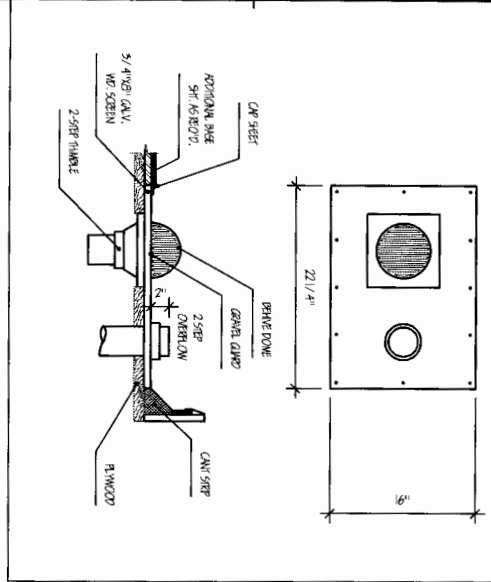



UPPER FLOOR PLAN
 SCALE 1/4" = 1'-0"

EXHIBIT 6
CDP 4-07-063 (Malibu Sea Breeze)
Upper Floor Plan

PROJECT PROPOSED CARRITA RESIDENCE ADDRESS 27126 CARRITA DRIVE MALIBU, CA. 90265 SHEET UPPER FLOOR PLAN	ARCHITECT FLO CERFINA & MEHRDAD SAHAFI OFFICE ADDRESS 31739 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	COPYRIGHT © 1998 ALL RIGHTS RESERVED NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC MECHANICAL, PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM MALIBU DESIGN ASSOCIATES	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PH-ONE (310) 457-4998 FAX (310) 457-3921	DATE 11/15/01 BY MS
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TECH. SPECIALTIES
ROOF DRAIN and GRATE



ROOF PLAN
SCALE 1/4" = 1'-0"

EXHIBIT 7
CDP 4-07-063 (Malibu Sea Breeze)
Roof Plan

PROJECT: PROPOSED CARRITA RESIDENCE 27126 CARRITA DRIVE MALIBU, CA. 90265	PREPARED BY: FLOERCFINA & MEHRDAD SAHAFI 31739 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	A COPYRIGHTED DRAWING THIS DOCUMENT IS THE PROPERTY OF MALIBU DESIGN ASSOCIATES. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MALIBU DESIGN ASSOCIATES.	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921	REVISIONS NO. DATE BY DESCRIPTION
SHEET NO. ROOF PLAN				

SECTION THRU "A"
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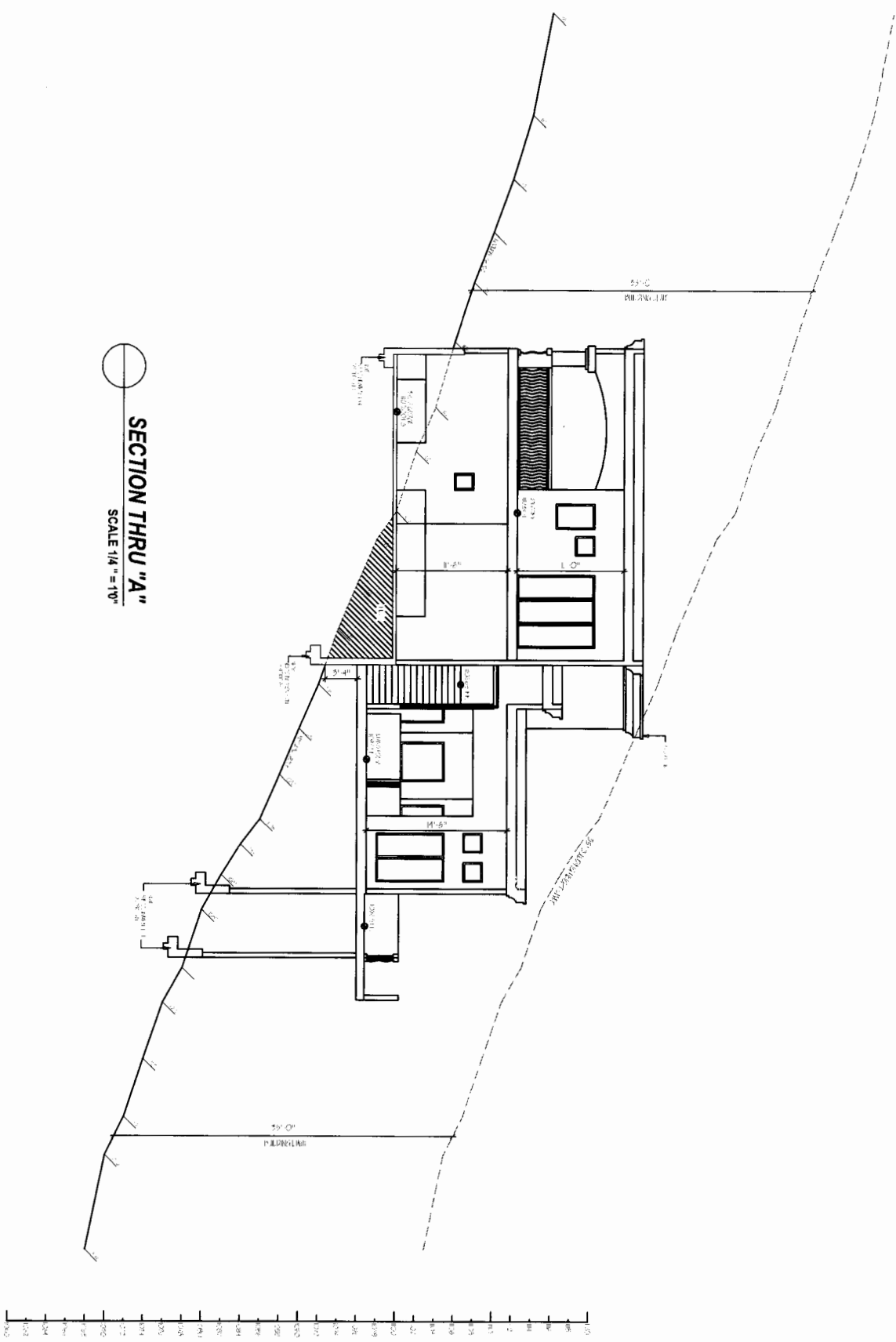


EXHIBIT 8
CDP 4-07-063 (Malibu Sea Breeze)
Section A

PREPARED BY: PROPOSED CARRITA RESIDENCE 27126 CARRITA DRIVE MALIBU, CA 90265 PROJECT: SECTION THRU "A"	ARCHITECT: FLOCCERFINA & MEHRDAD SAHAFI OWNER ADDRESS: 31739 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	CONTRACT NUMBER: 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA 90265 PHONE (310) 457-4998 FAX (310) 457-3921	DATE: 2/15/2001 SHEET: 80
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SECTION THRU "B"
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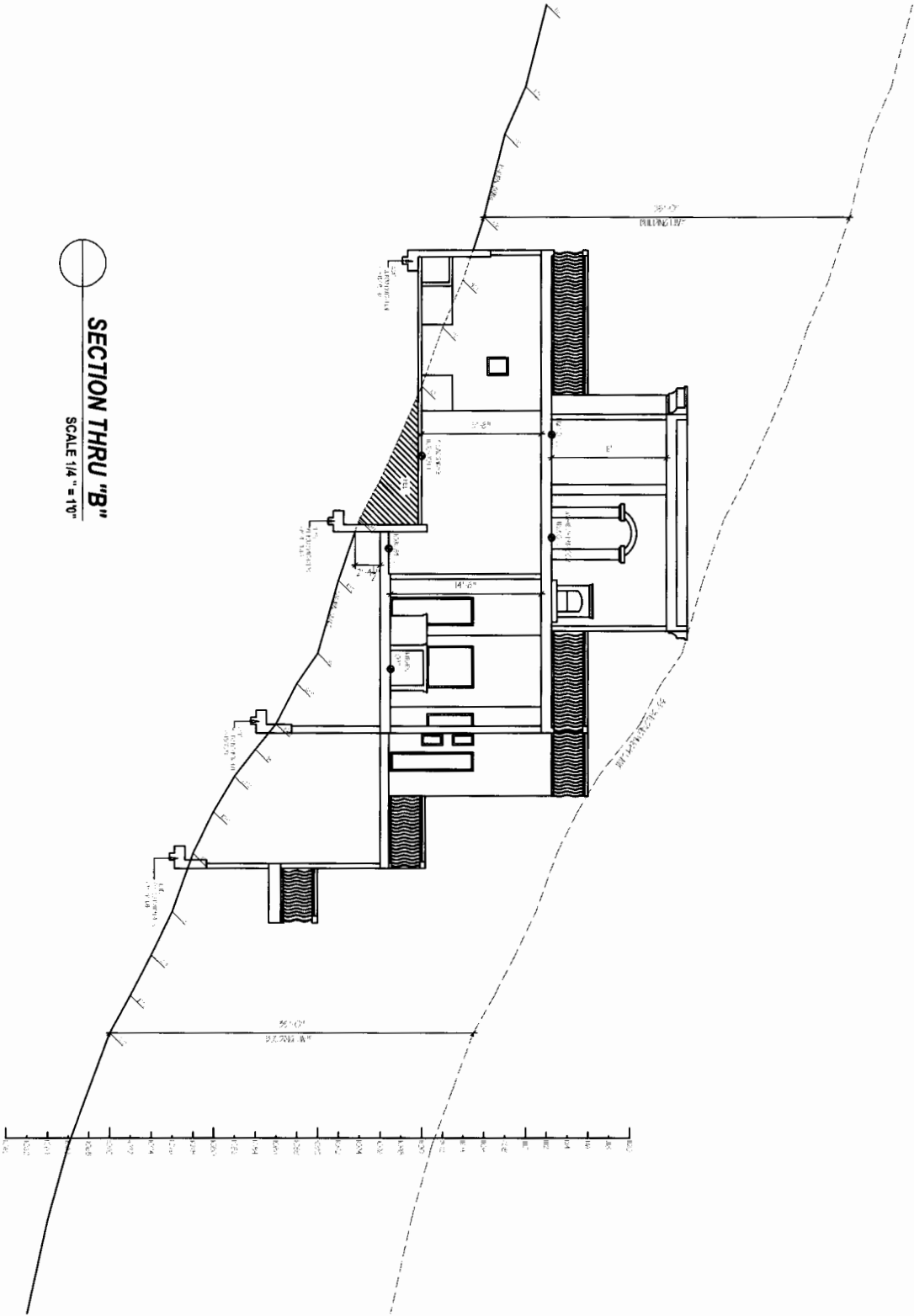
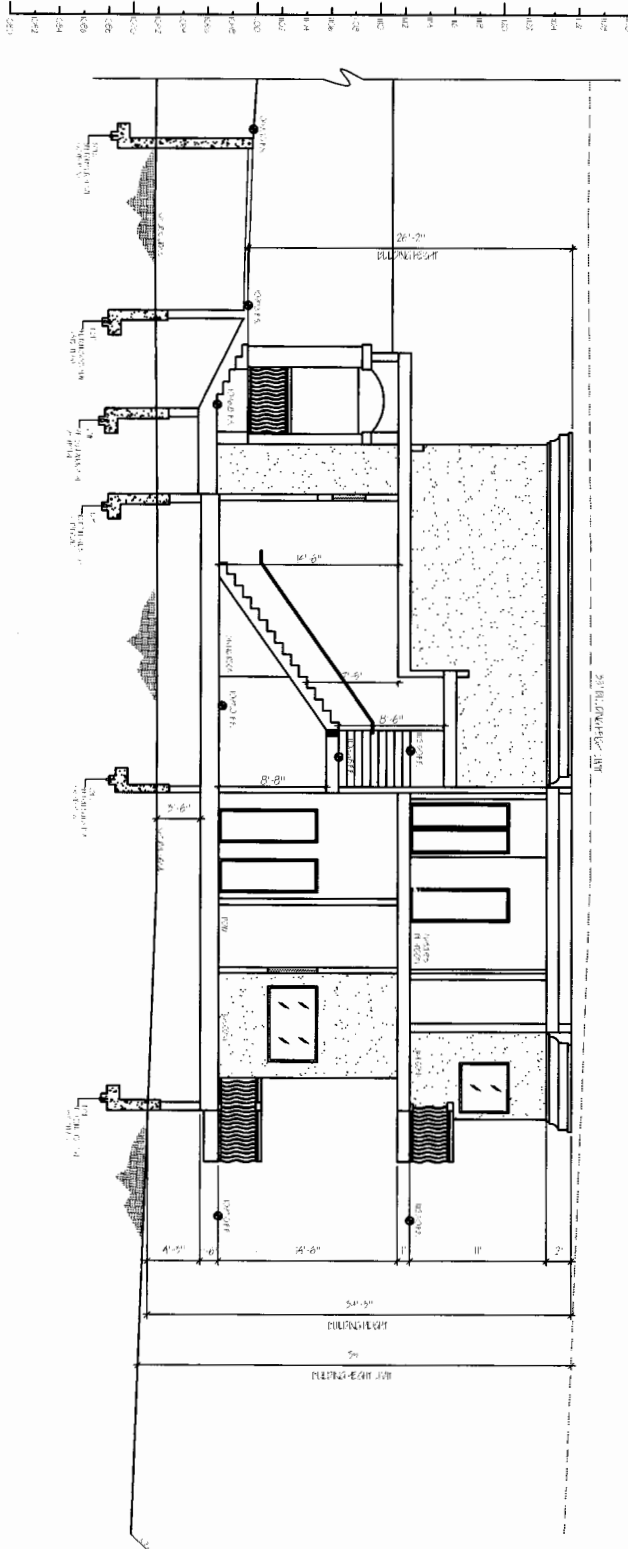


EXHIBIT 9
CDP 4-07-063 (Malibu Sea Breeze)
Section B

PROJECT: PROPOSED CARRITA RESIDENCE	ARCHITECT: FLOERFINA & MEHRDAD SAHAFI	CONTRACT NUMBER: <small>THIS CONTRACT IS IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFIED IN WRITING. NO PART OF THIS CONTRACT SHALL BE VALID UNLESS IT IS SIGNED BY THE ARCHITECT AND THE CONTRACTOR. ANY CHANGES TO THIS CONTRACT MUST BE IN WRITING AND SIGNED BY BOTH PARTIES.</small>	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921
JOB ADDRESS: 27126 CARRITA DRIVE MALIBU, CA. 90265	OWNER ADDRESS: 31739 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA. 90265		
SHEET: SECTION THRU "B"			

DATE	11/15/01
BY	RS



SECTION THRU "C"
SCALE 1/4" = 1'-0"

EXHIBIT 10
CDP 4-07-063 (Malibu Sea Breeze)
Section C

PROJECT PROPOSED CARRITA RESIDENCE ADDRESS 27126 CARRITA DRIVE MALIBU, CA. 90265 SHEET SECTION THRU "C"	ARCHITECT FLO CERFINA & MEHRDAD SAHAF OFFICE ADDRESS 31759 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	COPYRIGHT © 2006 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM MALIBU DESIGN ASSOCIATES.	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 212, MALIBU, CA. 90265 PH: ONE (310) 457-4998 FAX: (310) 457-3921	REVISION NO. DATE
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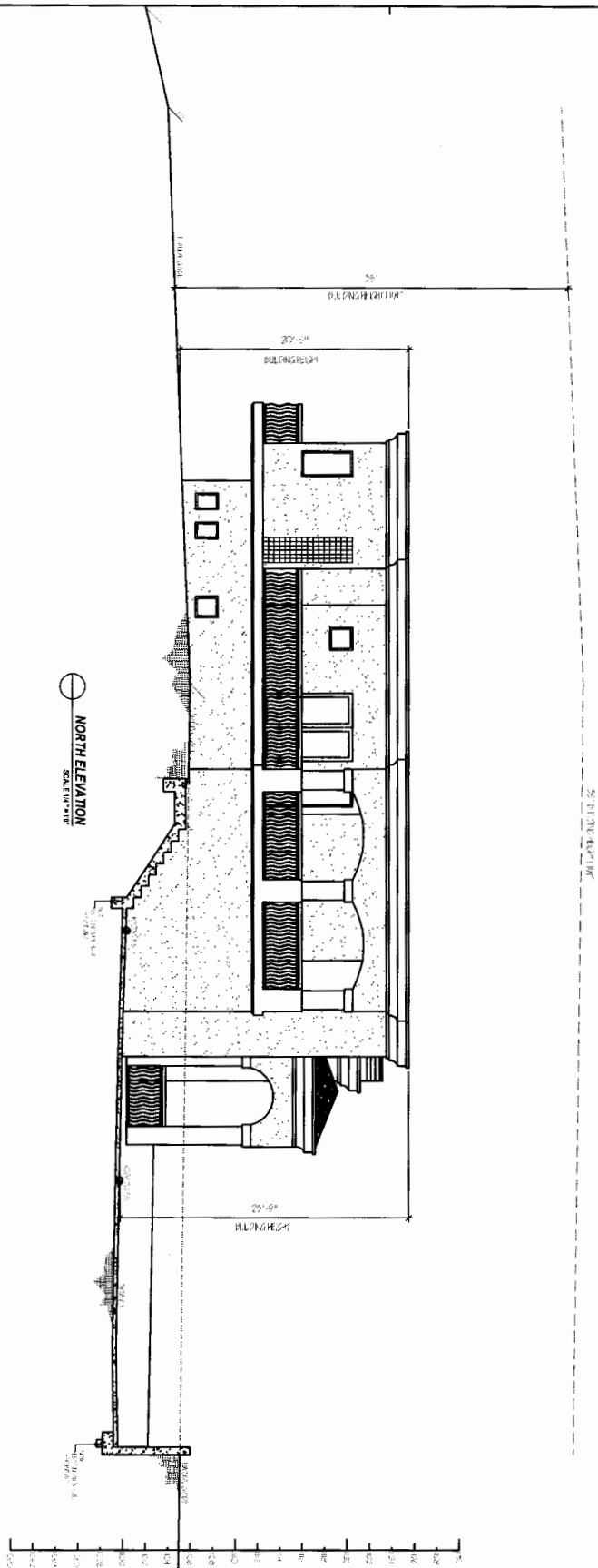


EXHIBIT 11
CDP 4-07-063 (Malibu Sea Breeze)
North Elevation

PREPARED FOR: PROPOSED CARRITA RESIDENCE JOB ADDRESS: 27125 CARRITA DRIVE MALIBU, CA 90265 SHEET: NORTH ELEVATION	PREPARED BY: FLO CERFINA & MEHRDAD SAHAFI OWNER ADDRESS: 31739 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	CONTRACTOR SIGNING <small>THIS CONTRACTOR IS THE HOLDER OF A VALID CONTRACTOR LICENSE IN THE STATE OF CALIFORNIA AND IS NOT PROVIDING ARCHITECTURAL SERVICES. ANY ARCHITECTURAL SERVICES PROVIDED BY THIS CONTRACTOR ARE THE SOLE RESPONSIBILITY OF THE ARCHITECT OF RECORD.</small>	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA, 90265 PHONE (310) 457-4998 FAX (310) 457-3921	11/10/2006 11
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○ SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

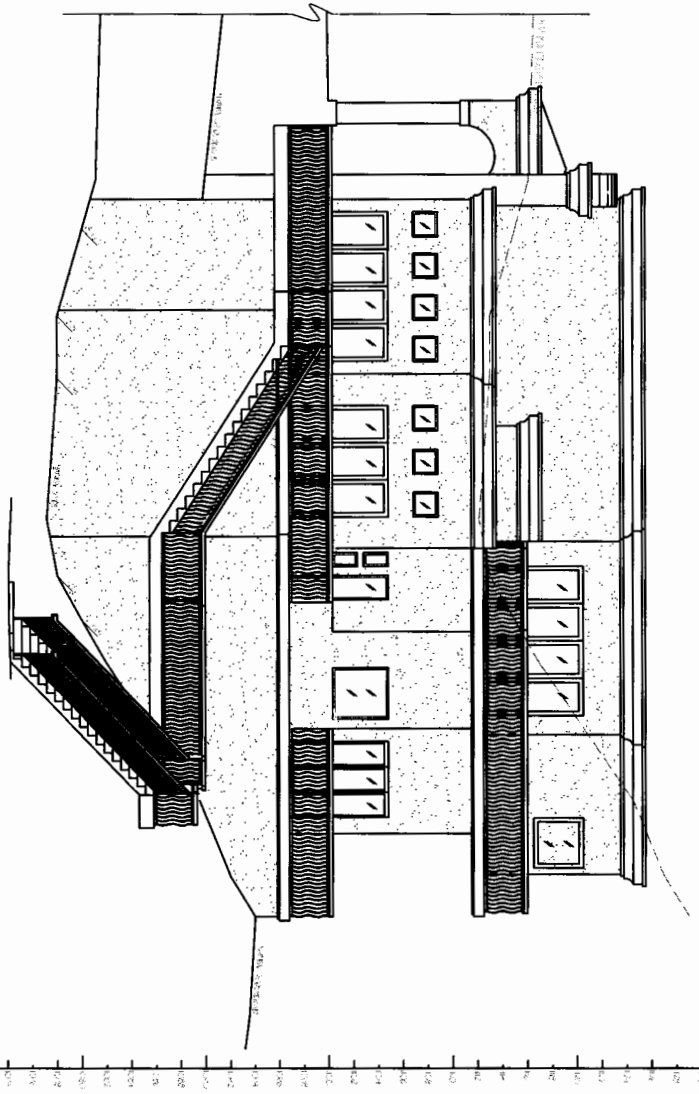
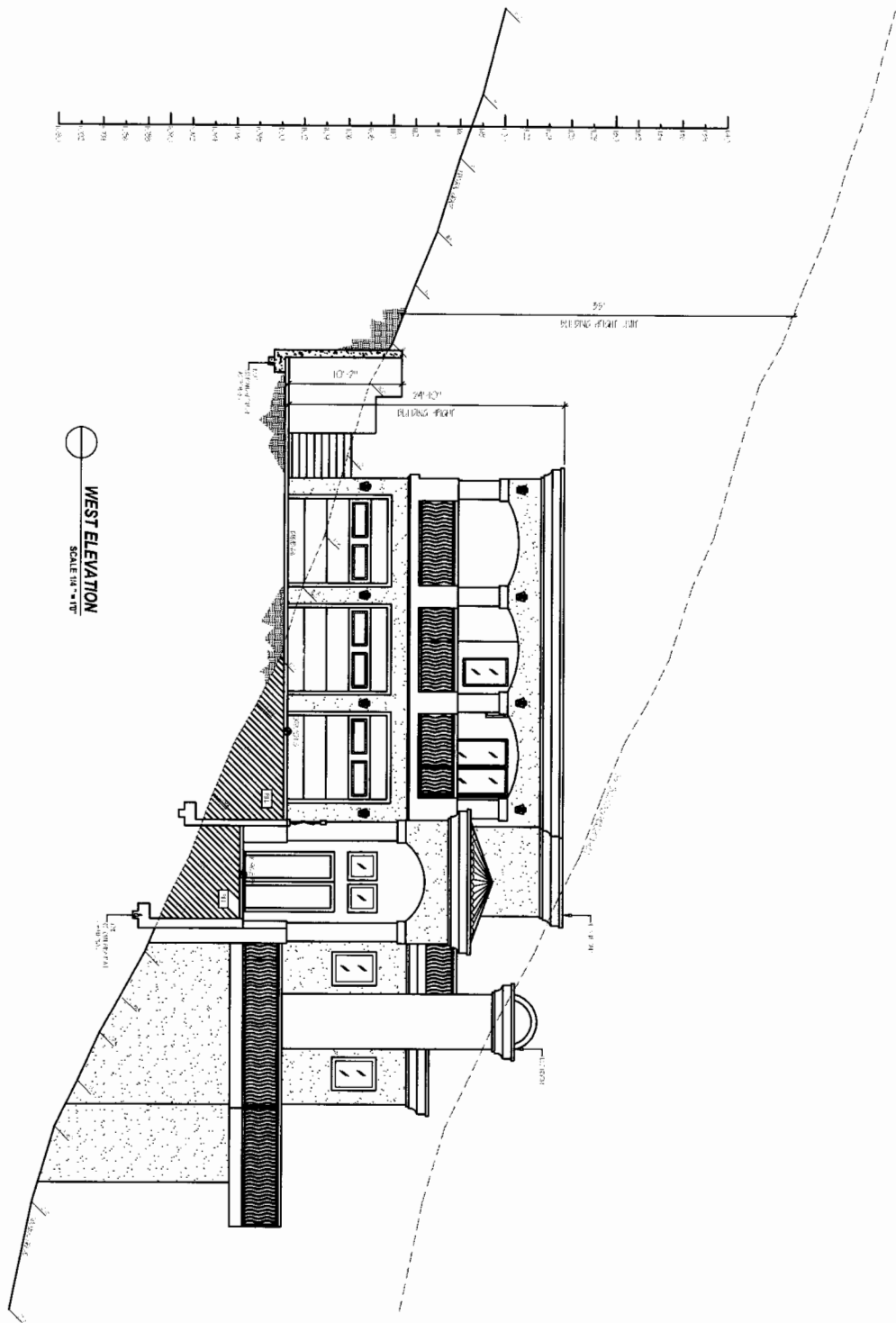


EXHIBIT 12
CDP 4-07-063 (Malibu Sea Breeze)
South Elevation

PROJECT: PROPOSED CARRITA RESIDENCE JOB NO.: 27126 CARRITA DRIVE MALIBU, CA. 90265 SHEET: SOUTH ELEVATION	ARCHITECT: FLOERFINA & MEHRDAD SAHAFI OWNER ADDS: 31759 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA. 90265	■ COPY-RIGHT © 2006 THIS DOCUMENT IS THE PROPERTY OF MALIBU DESIGN ASSOCIATES. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF MALIBU DESIGN ASSOCIATES IS PROHIBITED.	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921	1/11/06 2
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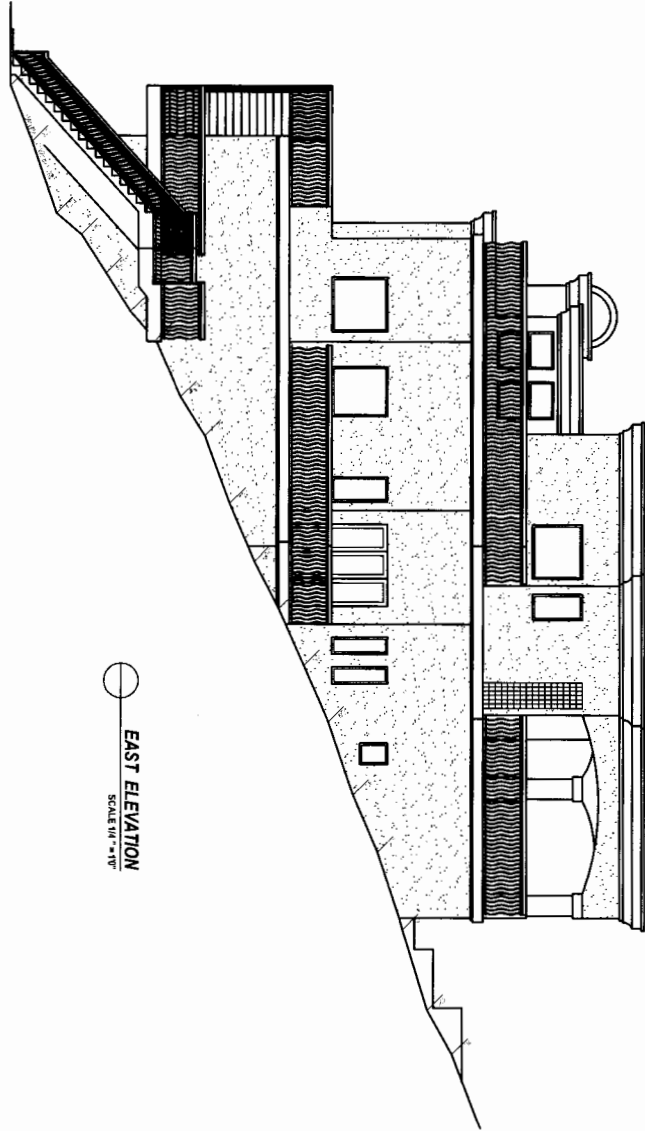
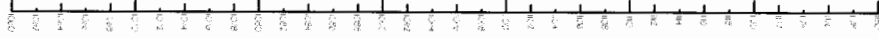
WEST ELEVATION
SCALE 1/8" = 1'-0"

EXHIBIT 13

CDP 4-07-063 (Malibu Sea Breeze)

West Elevation

SHEET NO. DATE DRAWN BY CHECKED BY TITLE	PROJECT PROPOSED CARRITA RESIDENCE ADDRESS 2726 CARRITA DRIVE MALIBU, CA. 90265	ARCHITECT FLOERFARINA & MEHRDAD SAHAFI OFFICE ADDRESS 31750 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	COPYRIGHT © 2006 ALL RIGHTS RESERVED THIS DOCUMENT IS THE PROPERTY OF FLOERFARINA & MEHRDAD SAHAFI ARCHITECTS AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM FLOERFARINA & MEHRDAD SAHAFI ARCHITECTS.	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
	WEST ELEVATION	A-10			



○ EAST ELEVATION
SCALE 1/4" = 1'-0"

EXHIBIT 14
CDP 4-07-063 (Malibu Sea Breeze)
East Elevation

PREPARED BY: PROPOSED CARRITA RESIDENCE 27126 CARRITA DRIVE MALIBU, CA. 90265 SHEET: EAST ELEVATION	PREPARED BY: FLOEREFINA & MEHRDAD SAHAFI 31450 PACIFIC COAST HIGHWAY MALIBU CALIFORNIA 90265	* COPYRIGHT MALIBU DESIGN ASSOCIATES THIS DRAWING IS THE PROPERTY OF MALIBU DESIGN ASSOCIATES AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MALIBU DESIGN ASSOCIATES.	MALIBU DESIGN ASSOCIATES 28955 PACIFIC COAST HIGHWAY SUITE 210, MALIBU, CA. 90265 PHONE (310) 457-4998 FAX (310) 457-3921	2/1/2006 15
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