

CALIFORNIA COASTAL COMMISSION

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

**ADDENDUM**

DATE: December 5, 2011
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 15a, Thursday, December 8, 2011
CDP Application No. 4-08-040 (Grisanti)

The purpose of this addendum is to make the following correction to Special Condition 10 (Cumulative Impacts Mitigation) on Pages 12-13 of the staff report (deletions shown in ~~strike through~~, additions shown in underline). The reason for the correction is to better streamline the procedures for ensuring that the development rights of the GSA lots are permanently extinguished should the applicant choose to dedicate the GSA lot(s) in fee title to a public agency rather than have the GSA lot(s) recombined with other adjacent unrestricted lots through a recorded deed restriction. Requiring applicants to find two, separate public entities to carry out the requirements of the condition may be unnecessarily complex and burdensome. Instead, staff recommends that the condition be revised so that, if the applicant chooses to dedicate the GSA lot(s) in fee title to a public agency, that agency is the only public entity involved. In that situation, staff has determined that the best approach would be to have the mechanisms for the imposition of the substantive restrictions on the property be (1) recordation of a deed restriction on the property prior to the transfer of the property to a public agency and (2) including the restriction directly in the deed transferring the property, so that the transfer is subject to the restrictions.

10. Cumulative Impacts Mitigation

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall mitigate the cumulative impacts of the proposed development by permanently extinguishing all potential for future development (except as indicated below) on two currently legal lots within the El Nido small lot subdivision or elsewhere within the Corral Canyon Watershed. The applicant shall extinguish development rights on these lots by following the steps indicated below, thereby increasing the maximum allowable gross structural area (GSA) of the approved residence from 618 sq. ft. to 1,200 sq. ft., consistent with the slope intensity formula detailed in Policy 271(b)(2) of the certified 1986 Malibu/Santa Monica Mountains Land Use Plan. The GSA of 618 sq. ft. may be increased upon extinguishment of the development rights of each lot (which is then known as a "GSA lot") as follows: a) 500 sq. ft. increase in the GSA for each GSA lot that is contiguous to the project site; b) 300 sq. ft. increase in the GSA for each GSA lot that is not contiguous to the subject lot but is within the El Nido small lot subdivision or elsewhere within the Corral Canyon watershed.

The applicant shall complete the following steps to ensure that the development rights are extinguished on the GSA lots:

- (1) The applicant shall ~~provide, for the review and approval of the Executive Director, evidence that the GSA propose~~ lots whose development rights are to be extinguished are located within the El Nido small lot subdivision, or elsewhere within the Corral Canyon Watershed, whose development rights are to be extinguished, for the review and approval of the Executive Director. The Executive Director's shall review lots to ensure their eligibility as GSA lots, based on their size and location (as indicated in this paragraph), whether they have been used previously, and whether they otherwise meet the criteria of this condition.
- (2) The applicant shall execute and record, with the Los Angeles County Recorder's Office, one of the following two types of a documents, in a form and content acceptable to the Executive Director, applying to the entirety of the GSA lots, for the purpose of development rights extinguishment: (a) a document granting to a public entity or private non-profit association acceptable to the Executive Director an open space conservation easement(s) ("OSCE deed") or (b) an open space deed restriction(s) ("OSDR"). ~~The recorded easement document(s) OSCE deed or OSDR over the entirety of the GSA lots for the purpose of development rights extinguishment. The recorded easement document(s) shall include a formal legal description of the entirety of the GSA lot(s). The recorded document shall prohibit development, as defined in California Public Resources Code section 30106, grazing, and agricultural activities on GSA lots except as indicated below in paragraphs (a)-(d), shall reflect that this condition does the same, and, if it is an OSCE deed, shall allow the easement holder to ensure compliance with this prohibition. The grant of easement or OSDR shall be recorded free of prior liens and encumbrances (other than road, trail, and utility easements existing at the time of application submittal for this coastal development permit), including tax liens, that the Executive Director determines may affect the interest being conveyed or the restrictions being imposed. Such grant of easement or deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assigns. Allowable development will be limited to:~~
 - (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 pursuant to existing easements, if approved by the Commission in a coastal development permit.
- (3) The applicant shall take one of the following two steps and provide evidence, for the review and approval of the Executive Director, that it has done so ~~the requirements of either Section A(3)(a) or A(3)(b) have been met:~~

- (a) ~~The GSA lots extinguished through the provisions of Section 2 above have been combined with an adjacent lot(s) that is~~ If the applicant extinguished development rights on the GSA lots via recordation of an OSCE deed, the applicant shall cause the GSA lots to be combined with an adjacent lot(s) that is (i) developed or developable, (ii) held in common ownership with the GSA lot(s), and (iii) in the same tax rate area as the associated GSA lot(s), through recordation of a deed restriction the form and content of which is acceptable to the Executive Director. The deed restriction shall indicate that 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, lease, taxation, or encumbrance. The deed restriction shall include a legal description and graphic depiction of the parcels being combined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction, including tax liens on all of the properties involved. If there is an outstanding deed of trust on one or more, but not all, of the lots to be combined, or multiple separate deeds of trust, the Executive Director may require that a new deed of trust be recorded on the newly combined parcel as a whole.

OR

- (b) ~~The GSA lots extinguished through the provisions of Section A(2) above have been dedicated in fee title to a public agency other than the easement holder. If the applicant extinguished development rights on the GSA lots via recordation of an OSDR, the applicant shall thereafter cause fee title to the GSA lots to be transferred to a public entity, said transfer being expressly subject to the conditions and restrictions listed above in Section 2 of this permit condition.~~
- (4) If the applicant implemented option A(3)(a), the applicant shall submit, for the review and approval of the Executive Director, a preliminary title report for the combined lot comprised of the GSA lots and the developed or developable lot(s) that demonstrates (i) that the open space easement grant required in Section A(2) and the deed restriction required in Section A(3)(a) above are both on the title and not subordinate to any liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction, and (ii) that the combined lot is described as a single lot. If the applicant implemented option A(3)(b), the applicant shall submit, for the review and approval of the Executive Director, a preliminary title report(s) showing that record title to the GSA lot(s) is now held by a public agency and that demonstrates that the open space easement grant(s) OSDR required in Section A(2) is on title and not subordinate to any liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction.

B. Should the applicant fail to submit the evidence of GSA lot extinguishment required by this Special Condition, the applicant must submit plans demonstrating that the maximum allowable gross structural area for the residence is no more than 618 sq. ft., consistent with **Special Condition No. 11, Revised Plans.**

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Th 15a

Filed: 10/10/11
180th Day: 4/7/12
Staff: D.Christensen
Staff Report: 11/17/11
Hearing Date: 12/8/11



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-08-040

APPLICANT: Paul and Sara Grisanti

AGENT: Michael Barsocchini

PROJECT LOCATION: 2828 McAlpine Drive, El Nido Small Lot Subdivision, Santa Monica Mountains (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new 1,200 sq. ft. single-family residence, 647 sq. ft. attached garage, decks, retaining walls, swimming pool, septic system, and 200 cu. yds. of grading.

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. The main issue raised by the project and the staff recommendation for how to resolve it is:

- **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) that would be allowed for the parcel if the standards in the LUP were applied and the parcel were viewed in isolation. The applicant proposes to extinguish development rights on two additional parcels to increase the GSA. The extinguishment is required as a condition of approval.

Table of Contents

I. STAFF RECOMMENDATION.....	3
II. STANDARD CONDITIONS.....	3
III. SPECIAL CONDITIONS	4
1. Plans Conforming to Geotechnical Engineer's Recommendations.....	4
2. Assumption of Risk, Waiver of Liability and Indemnity.....	4
3. Drainage and Polluted Runoff Control Plan	4
4. Interim Erosion Control Plans and Construction Responsibilities	6
5. Landscaping and Fuel Modification Plans.....	8
6. Structural Appearance.....	10
7. Lighting Restriction.....	10
8. Future Development Restriction.....	11
9. Deed Restriction.....	11
10. Cumulative Impacts Mitigation	12
11. Revised Plans	13
12. Oak Tree Protection	14
13. Pool and Spa Drainage and Maintenance.....	14
IV. FINDINGS AND DECLARATIONS.....	14
A. PROJECT DESCRIPTION AND BACKGROUND	14
B. HAZARDS AND GEOLOGIC STABILITY.....	15
C. WATER QUALITY	16
D. OAK TREE PROTECTION.....	18
E. VISUAL RESOURCES	20
F. CUMULATIVE IMPACTS.....	21
G. LOCAL COASTAL PROGRAM (LCP) PREPARATION	24
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT	25

EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Parcel Map
 - Exhibit 3. Project Plans
 - Exhibit 4. Aerial View
 - Exhibit 5. CDP 5-84-160 Approved Plans
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LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated April 15, 2008; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated August 2, 2011; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated January 20, 2011.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit (CDP) No. 5-84-160; "Preliminary Geologic and Soils Engineering Investigation" by GeoConcepts Inc., dated April 10, 2008.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-08-040 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 to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a licensed civil engineer or qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed

to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather runoff leaving the developed site. The consulting licensed 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) The plan shall demonstrate the use of distributed small-scale controls or integrated Best Management Practices (BMPs) that serve to minimize alterations to the natural pre-development hydrologic characteristics and conditions of the site, and effectively address pollutants of concern.
- (2) Post-development peak runoff rate and average volume from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features 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, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) 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 shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains where necessary. The consulting engineer shall provide plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The engineer shall certify that the design of the device minimizes the amount of rock and/or other hardscape necessary to meet the sizing requirements.
- (7) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (8) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the

project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

- (9) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans shall be approved by the project consulting geotechnical engineer.
- (10) 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 grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- (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, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<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

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall mitigate the cumulative impacts of the proposed development by permanently extinguishing all potential for future development (except as indicated below) on two currently legal lots within the El Nido small lot subdivision or elsewhere within the Corral Canyon Watershed. The applicant shall extinguish development rights on these lots by following the steps indicated below, thereby increasing the maximum allowable gross structural area (GSA) of the approved residence from 618 sq. ft. to 1,200 sq. ft., consistent with the slope intensity formula detailed in Policy 271(b)(2) of the certified 1986 Malibu/Santa Monica Mountains Land Use Plan. The GSA of 618 sq. ft. may be increased upon extinguishment of the development rights of each lot (which is then known as a "GSA lot") as follows: a) 500 sq. ft. increase in the GSA for each GSA lot that is contiguous to the project site; b) 300 sq. ft. increase in the GSA for each GSA lot that is not contiguous to the subject lot but is within the El Nido small lot subdivision or elsewhere within the Corral Canyon watershed.

The applicant shall complete the following steps to ensure that the development rights are extinguished on the GSA lots:

- (1) The applicant shall provide, for the review and approval of the Executive Director, evidence that the GSA lots whose development rights are to be extinguished are located within the El Nido small lot subdivision, or elsewhere within the Corral Canyon Watershed.
- (2) The applicant shall execute and record a document, in a form and content acceptable to the Executive Director, granting to a public entity or private non-profit association acceptable to the Executive Director an open space conservation easement(s) over the entirety of the GSA lots for the purpose of development rights extinguishment. The recorded easement document(s) shall include a formal legal description of the entirety of the GSA lot(s). The recorded document shall prohibit development, as defined in California Public Resources Code section 30106, grazing, and agricultural activities on GSA lots except as indicated below in paragraphs (a)-(d), shall reflect that this condition does the same, and shall allow the easement holder to ensure compliance with this prohibition. The grant of easement shall be recorded free of prior liens and encumbrances (other than road, trail, and utility easements existing at the time of application submittal for this coastal development permit) 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. Allowable development will be limited to:
 - (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 pursuant to existing easements, if approved by the Commission in a coastal development permit.
 - (3) The applicant shall provide evidence, for the review and approval of the Executive Director, that the requirements of either Section A(3)(a) or A(3)(b) have been met:
 - (a) The GSA lots extinguished through the provisions of Section 2 above have been combined with an adjacent lot(s) that is (i) developed or developable, (ii) held in common ownership with the GSA lot(s), and (iii) in the same tax rate area as the associated GSA lot(s), through recordation of a deed restriction the form and content of which is acceptable to the Executive Director. The deed restriction shall indicate that 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, lease, taxation, or encumbrance. The deed restriction shall include a legal description and graphic depiction of the parcels being combined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction, including tax liens on all of the properties involved.
 - (b) The GSA lots extinguished through the provisions of Section A(2) above have been dedicated in fee title to a public agency other than the easement holder.
 - (4) If the applicant implemented option A(3)(a), the applicant shall submit, for the review and approval of the Executive Director, a preliminary title report for the combined lot comprised of the GSA lots and the developed or developable lot(s) that demonstrates that the open space easement grant required in Section A(2) and the deed restriction required in Section A(3) above are both on the title and that the combined lot is described as a single lot. If the applicant implemented option A(3)(b), the applicant shall submit, for the review and approval of the Executive Director, a preliminary title report(s) showing that record title to the GSA lot(s) is now held by a public agency and that demonstrates that the open space easement grant(s) required in Section A(2) is on title.
- B. Should the applicant fail to submit the evidence of GSA lot extinguishment required by this Special Condition, the applicant must submit plans demonstrating that the maximum allowable gross structural area for the residence is no more than 618 sq. ft., consistent with **Special Condition No. 11, Revised Plans**.

11. Revised Plans

- A. If **Special Condition 10** above is not fulfilled, 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 that reflect that the maximum gross structural area for the residence is no more than 618 sq. ft. All plans must be drawn to scale with dimensions shown.

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.

12. Oak Tree Protection

To ensure that all other oak trees located on the subject parcel 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. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected.

13. Pool and Spa Drainage and Maintenance

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

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a new 1,200 sq. ft. single-family residence, 647 sq. ft. attached garage, decks, retaining walls, swimming pool, septic system, and 200 cu. yds. of grading (100 cu. yds. cut, 100 cu. yds. fill) at 2828 McAlpine Drive (APN 4457-020-018) in the El Nido Small Lot Subdivision of the Santa Monica Mountains, unincorporated Los Angeles County (Exhibits 1-4). The property is situated on the east slope of a northeast trending ridge where site slopes descend to the east at a 46 percent slope. Dry Canyon Creek, a U.S. Geological Survey (U.S.G.S.) designated blue-line stream, lies approximately 200 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 visible from portions of Corral Canyon Road.

The proposed residence would replace a 1,200 sq. ft. residence that was completely destroyed by the Corral Canyon fire in 2007. A residence was first approved on this parcel pursuant to CDP No. 5-84-160 (McManamy) in 1984. CDP No. 5-84-160 permitted the construction of a two-story, 618 sq. ft. single-family residence, with attached two-car carport and septic system (Exhibit 5). However, the residence that was constructed (and subsequently destroyed by wildfire) was a two-story 1,200 sq. ft.

residence with two-car garage. Therefore, the size of the as-built residence did not conform to 618 sq. ft. maximum allowable gross structural area approved and required pursuant to CDP 5-84-160. Therefore, the applicant proposes to retire two small lots elsewhere in the Corral Canyon watershed in order to increase their maximum allowable gross structural area by 600 sq. ft. (300 sq. ft. for each non-contiguous retired lot) in order to build a 1,200 sq. ft. residence on the subject property.

The project 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. There are two Coast Live Oak trees (*Quercus agrifolia*) adjacent to the property whose canopies overhang the northeast corner of the subject property. However, no portion of the proposed project would encroach into the canopy driplines of these off-site trees. 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.

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

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. Additionally, both leakage and periodic maintenance drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing the instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water algaecides, chemical pH balancing, and other water conditioning chemicals).

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; 3) installing a no chlorine or low chlorine purification system and maintaining the proper ph balance in the approved swimming pool; and 4) 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 Erosion Control Plans

Special Condition 13: Pool Drainage and Maintenance

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.

2. Project Consistency

There are two oak trees located off-site in the immediate vicinity of the proposed project. However, no portion of the proposed project would encroach into the canopy driplines of these off-site trees. The Commission finds that impacts to oak trees on the adjacent site will be avoided by employing protective measures during project construction. 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. If required construction operations cannot feasibly be carried out in any

location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction.

The following special conditions are 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 12: 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 within the El Nido small lot subdivision. The project site is visible from portions of Corral Canyon Road, a major public roadway in the Santa Monica Mountains, approximately 900 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 proposed development will require approximately 200 cu. yds. of grading (100 cu. yds. cut and 100 cu. yds. fill). 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 El Nido 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.

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 1,200 sq. ft. single-family residence with a 647 sq. ft. attached garage 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

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

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 El Nido small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a 1,200 sq. ft. single-family residence with a 647 sq. ft. attached garage on a parcel that is 6,295 sq. ft. in size. The maximum allowable GSA is 618 sq. ft. Staff has confirmed that this GSA conforms to the formula used by the Commission in past permit decisions. However, the proposed 1,200 sq. ft. of habitable space is *not consistent* with the maximum allowable GSA of 618 sq. ft. Rather, the applicant proposes to retire two non-contiguous parcels they have purchased to increase the maximum GSA by 600 sq. ft.

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:

(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. However, 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 El Nido small lot subdivision, or elsewhere within the Corral Canyon Watershed, to comply with the requirements of the slope intensity

formula. The applicant has provided evidence that they have purchased two parcels, one of which is within the Malibu Bowl small lot subdivision, and the other is within the Corral Canyon small lot subdivision (both are within the Corral Canyon Watershed) that they intend to restrict in order to increase the GSA for the proposed residence. Staff's preliminary review of the parcels indicates that these parcels are appropriate to be used to increase the applicant's GSA, if all potential for future development is extinguished on them. 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 618 sq. ft. to comply with the maximum Gross Structural Area calculation.

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: Revised 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 13

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 13

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



Exhibit 1
CDP 4-08-040
Vicinity Map

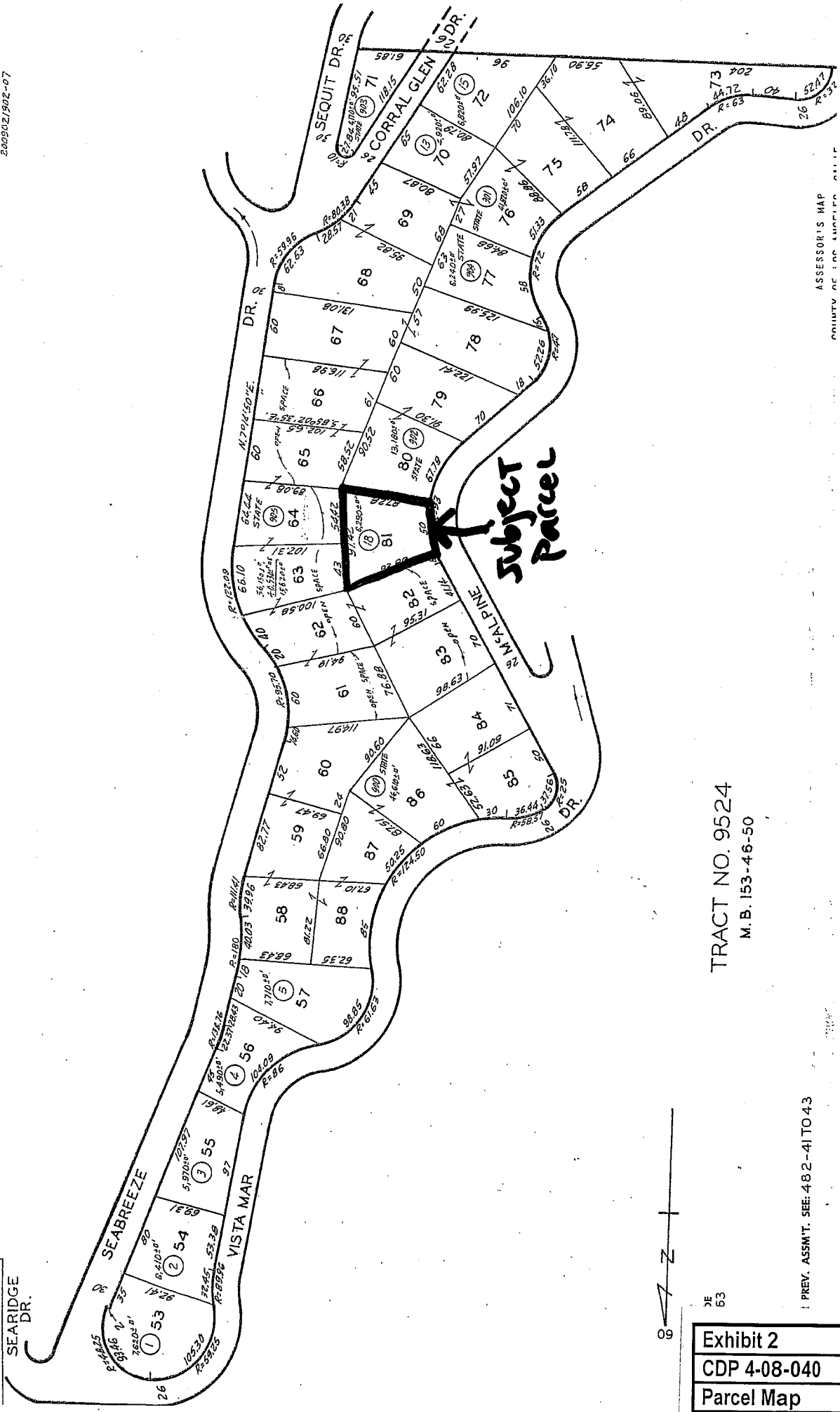
10-4-65
 810407
 81045
 81130604
 2009021502-07

2009

4457 20

SCALE 1" = 80'

SEARIDGE DR.



Subject Parcel

TRACT NO. 9524
 M.B. 153-46-50

09 7 Z 1

DE 63

Exhibit 2
CDP 4-08-040
Parcel Map

PREV. ASSM'T. SEE: 482-41 TO 43

ASSessor's MAP
 COUNTY OF LOS ANGELES

Received

Grisanti Residence
2828 McAlpine Dr.
Malibu, CA 90265

AUG 08 2011

California
California Commission

CONSULTANTS

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BARSOCCHINI & ASSOCIATES
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FAX: (310) 456-3625

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Land & Air Surveying Main Office
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Agoura Hills, CA 91301
PH: (818) 879-9879
FAX: (818) 706-3040
Surveyor: Mark D. Sandstrom

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4343 Reyes Drive
Tarzana, CA 91356
phone (818) 342-8676
Contact: Ken Moulder

GEOLOGY & SOIL
SLOPE ANALYSIS
14428 HILLY ST. #200
Van Nuys, CA 91401
PH: (818) 994-8895
FAX: (818) 994-8599
Engineer: Bob Sousa, CEG

SEPTIC SYSTEM DESIGN
EPD CONSULTANTS, INC.
411 N. Harbor Blvd. #304
San Pedro, CA 90731
phone (310) 994-8870
Contact: Kevin Poffenbarger

STRUCTURAL DESIGN
SOLARGY, INC.
12115 1st Rd.
Camarillo, CA 93012
PH: (805) 484-4115
FAX: (805) 484-4112
Engineer: Steve Cox

ENERGY CONSULTANT
SOLARGY, INC.
22028 Ventura Blvd. #207
Woodland Hills, CA 91364
phone (818) 347-9473

LEGAL DESCRIPTION

PROPERTY OWNER: Paul & Sara Grisanti
2828 McAlpine Drive
Malibu, CA 90265
APN: 457-026-018 (LOS ANGELES COUNTY)
Cite: 2008 (L.A. CO.)
Use: SFR
Occ: R3/U1

*Lot 81 Tract 9524, in the county of Los Angeles,
State of California, as per map recorded in book
153, pages 46 to 50 inclusive of maps, in the office
of the recorder of said county.

AREA CALCULATIONS

GROSS LOT AREA: 6295 S.F. (0.14 Acres)

PROPOSED TWO STORY RESIDENCE:

First floor: 600 S.F. +
Second floor: 600 S.F. =

TOTAL PROPOSED LIVABLE AREA: 1,200 S.F.

Street Level (Three car garage): 647 S.F.

Deck (1st Floor): 454 S.F.

Deck (2nd Floor): 553 S.F.

PREVIOUS BURNOUT HOUSE:

First floor: 600 S.F. +
Second floor: 600 S.F. =

TOTAL BURNOUT LIVABLE AREA: 1,200 S.F.

Street Level (Two car garage): 400 S.F.

Deck: 650 S.F.

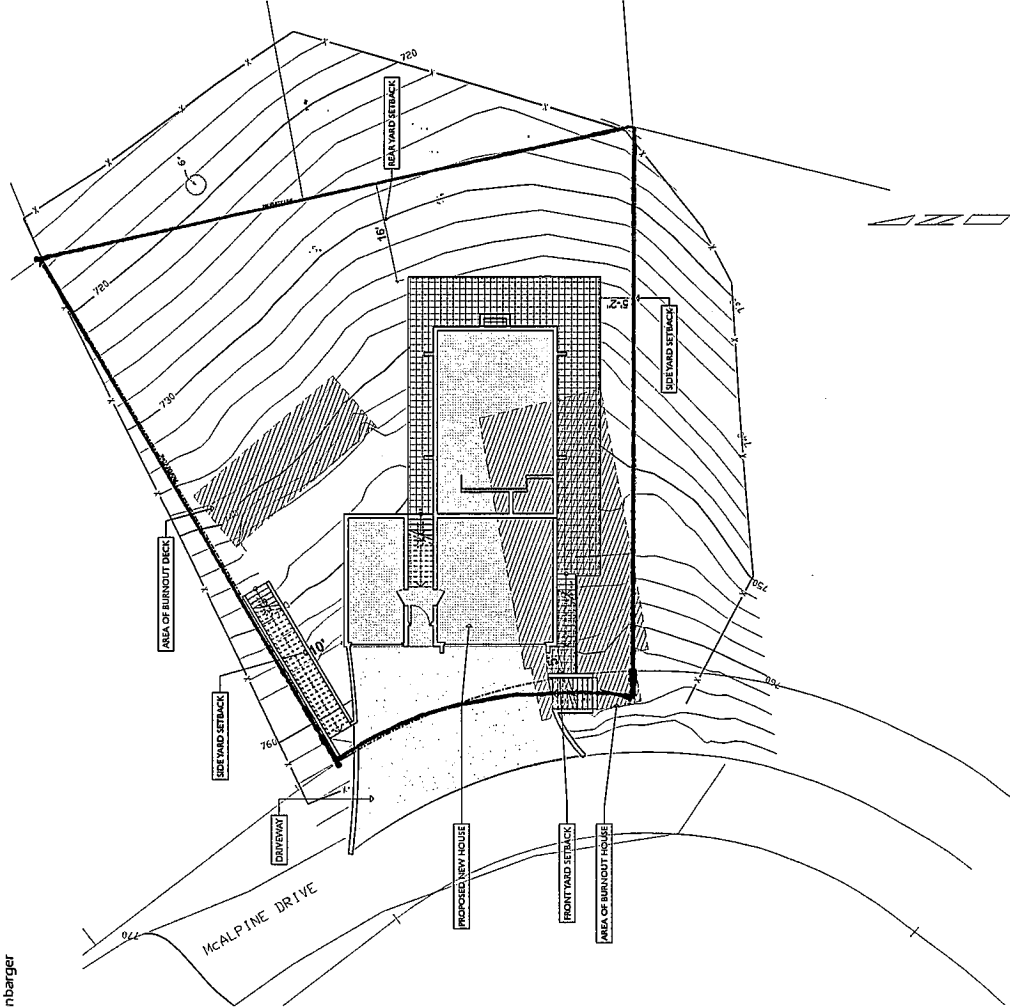
SETBACKS

Front yard: Based on Previous Setback
Rear yard: 15'
Side yard: 5'

SITE GRADING:

CUT: 52 C.Y.
FILL: 0 C.Y.
TOTAL: 52 C.Y.
Materials: 99 C.Y.

Exhibit 3
CDP 4-08-040
Project Plans



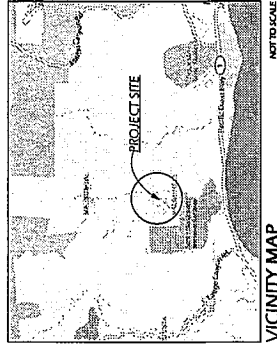
SITE PLAN

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

TITLE & NOTES

BARSOCCHINI & ASSOCIATES, INC.
ARCHITECTS
MICHAEL E. BARSOCCHINI, AIA, (310) 456-3625
3502 COAST VIEW DRIVE - MALIBU, CA 90265

GRISANTI RESIDENCE
2828 McAlpine
Malibu, CA 90265



VICINITY MAP

CIVIL:

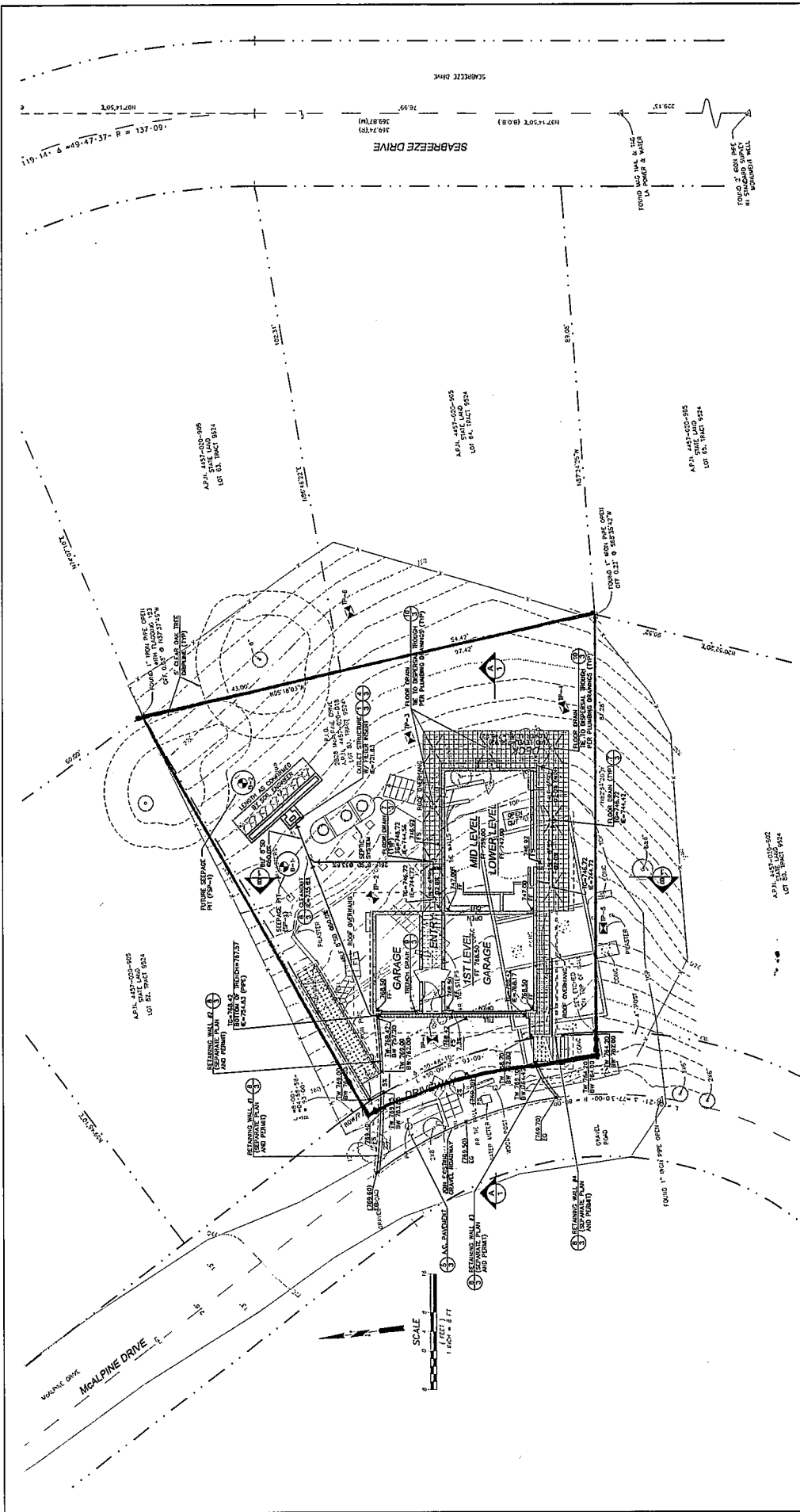
- C-1 TITLE SHEET
- C-2 DRAINAGE PLAN
- C-3 DRAINAGE DETAILS
- C-4 EROSION CONTROL PLAN
- C-5 EROSION CONTROL DETAILS

STRUCTURAL:

- S-1.1 GENERAL NOTES & DETAILS
- S-2.1 1ST FLOOR FRAMING/FOUNDATION PLAN
- S-2.2 2ND FLOOR FRAMING/FOUNDATION PLAN
- S-2.3 LOW ROOF/GARAGE FLOOR FRAMING PLAN
- S-2.4 ROOF FRAMING PLAN
- S-3.1 DETAILS
- S-3.2 DETAILS
- S-4.1 DETAILS
- S-5.1 DETAILS
- S-5.2 DETAILS

A-1 TITLE & NOTES

- A-2 SITE PLAN
- A-3 FIRE DEPARTMENT PLAN
- A-4 ORIGINAL SURVEY
- A-5 FIRST FLOOR PLAN
- A-6 SECOND/STREET LEVEL FLOOR PLAN
- A-7 ROOF PLAN
- A-8 ELEVATIONS
- A-9 SECTIONS
- A-10 DETAILS
- A-11 DETAILS
- A-12 DETAILS
- A-13 DETAILS/SCHEDULES
- A-14 TITLE 24 - NOT INCLUDED
- A-15 TITLE 24 - NOT INCLUDED
- A-16 ELECTRICAL & REFLECTED CEILING PLANS
- A-17 ELECTRICAL & REFLECTED CEILING PLANS
- A-18 GENERAL NOTES
- A-19 GENERAL NOTES
- A-20 SPECIFICATIONS
- A-21 SPECIFICATIONS
- A-22 INTERIOR ELEVATIONS



LEGEND	
PROPERTY LINE	---
STREET CENTERLINE	---
MONUMENT	⊙
BASE OF BEARING (B.O.B.)	---
ENCROACHMENT (E.O.C.)	---
CLASH (C.L.)	---
STREET LIGHT (STL)/POWER POLE (P.P.)	⊙
ASPHALT (A.P.)	---
BRICK	---
CHAIN LINK FENCE (C.L.F.)	---
WOOD FENCE	---
WIRE FENCE	---
WROUGHT IRON FENCE	---
CONCRETE (CONC.)	---
MANHOLE (M.H.)	⊙
GROUNDWATER CONTROL WALL (G.C.W.)	---
TRUCK/POLE LINE	---
CUT/FILL LINE	---
RETAINING WALL	---
PAVED SHALE GRAVE WET	---
CATCH BASIN (C.B.)	⊙
AREA DRAIN (A.D.)	---
FLOOR DRAIN (F.D.)	---
CLEAN OUT (C.O.)	---
PERFORATION TEST HOLE	---
EXPLORATORY TEST TRENCH	---
CONCRETE (CONC.)	---
ASPHALT (A.P.)	---
BRICK	---
CHAIN LINK FENCE (C.L.F.)	---
WOOD FENCE	---
WIRE FENCE	---
WROUGHT IRON FENCE	---

ABBREVIATIONS

CONCRETE	CONC.
ASPHALT	ASP.
BRICK	BRK.
CHAIN LINK FENCE	C.L.F.
WOOD FENCE	W.D.F.
WIRE FENCE	W.I.F.
WROUGHT IRON FENCE	W.I.F.
CONCRETE	CONC.
ASPHALT	ASP.
BRICK	BRK.
CHAIN LINK FENCE	C.L.F.
WOOD FENCE	W.D.F.
WIRE FENCE	W.I.F.
WROUGHT IRON FENCE	W.I.F.

SHEET 2 OF 5 GRADING AND DRAINAGE PLAN FOR: GRISANTI RESIDENCE

27775 Malibu Canyon Road
Malibu, CA 90265

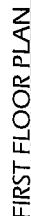
DATE: SEPTEMBER 6, 2011

NO.	DATE	BY	REVISIONS
1	1/2/09	BL	ISSUE SET FOR PERMIT REVIEW
2	1/2/09	BL	REVISED PER COMMENTS
3	1/2/09	BL	REVISED PER COMMENTS
4	1/2/09	BL	REVISED PER COMMENTS

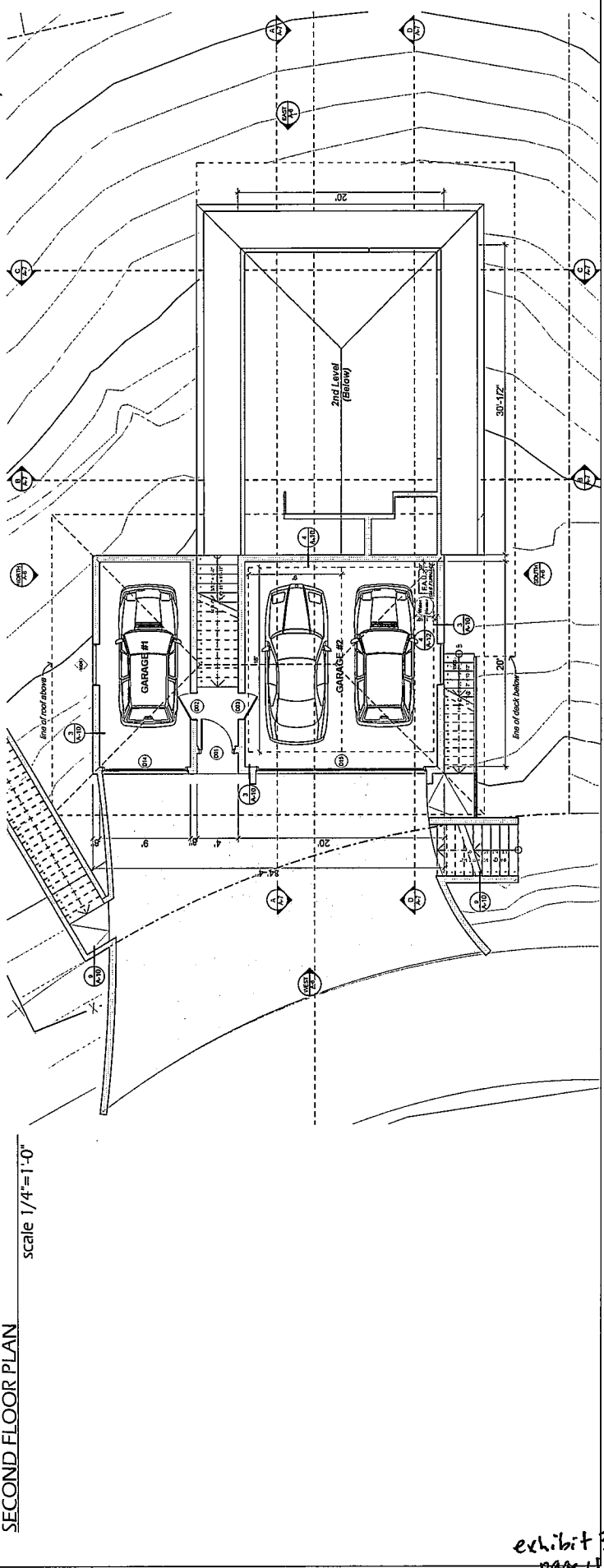
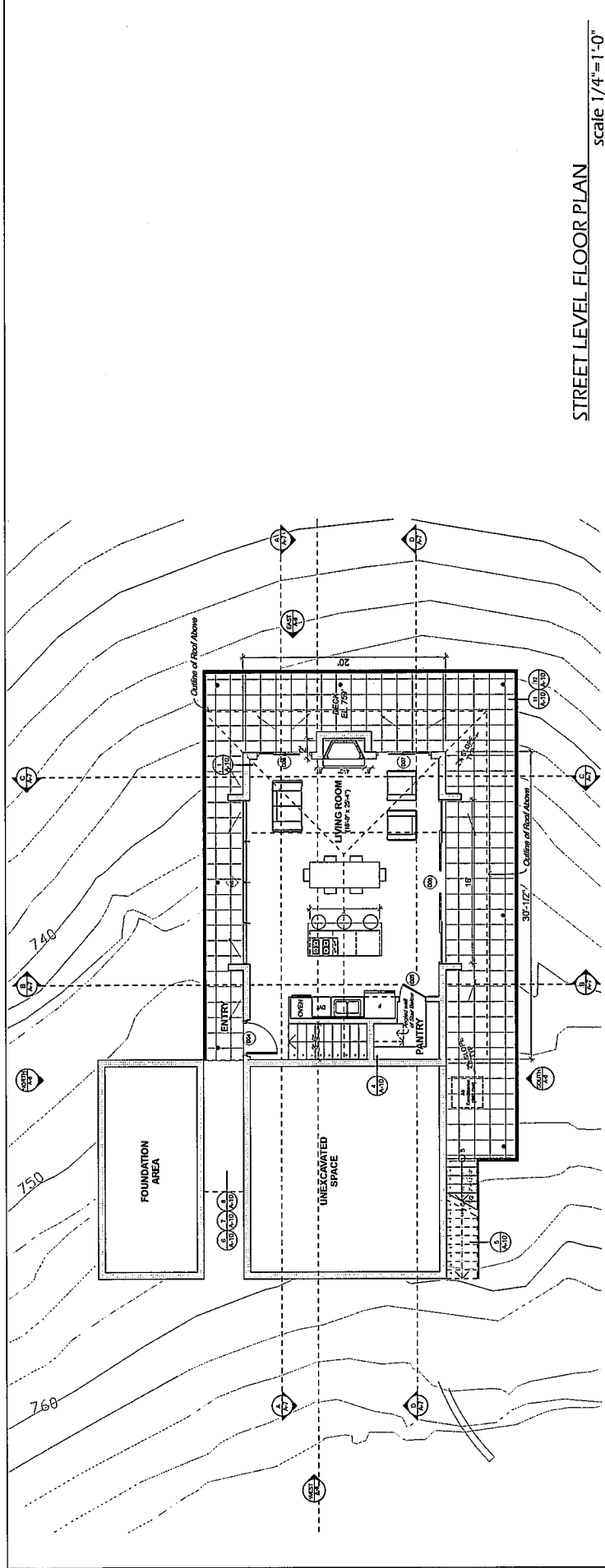
Service Consultants Inc.

Chief Engineer: David J. Service
For: 818-343-1534
Voice: 818-343-1534
Fax: 818-343-1534
Email: service@scinc.com

GRISANTI RESIDENCE
27775 Malibu Canyon Road
Malibu, CA 90265



DOORS THROUGH GLAZING INTO BUILDINGS SHALL BE PROTECTED BY A MANAGED SYSTEM.





Legend

Base Layers

- LOS ANGELES COUNTY
- OTHER COUNTY
- PACIFIC OCEAN
- UNINCORPORATED AREAS
- UNINCORPORATED CITIES
- HYDRO - PERENNIAL
- HYDRO - INTERMITTENT
- HYDRO - DRY
- HYDRO - LINE
- NATIONAL FOREST
- PARCEL BOUNDARY
- SUPERVISORIAL DISTRICT
- TRANSIT - RAILROAD
- TRANSIT - RAPID TRANSIT
- TRANSIT - UNDERGROUND
- SUBDIVISION ACTIVITY - APPROVED
- SUBDIVISION ACTIVITY - INACTIVE
- SUBDIVISION ACTIVITY - PENDING
- SUBDIVISION ACTIVITY - RECORDED
- AMB (ASSESSOR MAP BOOK) GRID
- SEA (SIGNIFICANT ECOLOGICAL AREA)
- OSD (OCH, STANDARD DISTRICT)
- OSD - AREA SPECIFIC
- VERY HIGH FIRE HAZARD SEVERITY
- TOD (TRANSIT ORIENTED DISTRICT)
- RDD (EQUESTRIAN DISTRICT)
- THE THOMAS GUIDE - PAGE
- THE THOMAS GUIDE - PAGE GRID
- TD (ZONED DISTRICT)
- ZONING INDEX MAP GRID
- ZONING MAP GRID
- TOWNSHIP & RANGE GRID
- USGS QUAD SHEET GRID

Zoning

- ZONE A-1
- ZONE A-2
- ZONE B-1
- ZONE B-2
- ZONE C-1
- ZONE C-2
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- ZONE C-99
- ZONE C-100

LOS ANGELES REGION
LAR|OC
imagery acquisition consortium



LEGEND MAY NOT CONTAIN ALL LAYERS REPRESENTED IN THE MAP.

Scale: 1:4,450

Printed On: Nov 16, 2011

GIS-NET | Public Web Mapping Application

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Exhibit 4

CDP 4-08-040

Aerial View

BUILDING AND SAFETY DIVISION
Department of County Engineer

APPROVAL IN CONCEPT

~~SIG. DATE PLAN CHECK NO.~~

Per sec. 27400 et seq of the
Public Resources Code and
Sec 18240(a) Title 14 of the
Administrative Code, State
of California.

THIS IS NOT A PERMIT
and
is subject to my conditions
listed below.

Mc ALPINE DRIVE

DRIVEWAY

Landolt

7500

887.202

Site Plan

2828 WALPINE DRIVE

LOT 81 100X7 9524 L.A.L.D.

1000

11-27-67

Exhibit 5

CDP 4-08-040

CDP 5-84-160

Approved Plans

APPROVAL IN CONCEPT

~~SIG. DATE PLAN CHECK NO.~~

Per sec. 27400 et seq of the
Public Resources Code and
Sec 18240(a) Title 14 of the
Administrative Code, State
of California.

THIS IS NOT A PERMIT
and
is subject to my conditions
listed below.

Mc ALPINE DRIVE

DRIVEWAY

Landolt

7500

887.202

Site Plan

2828 WALNUT DRIVE

LOT 81 100X7 9524 L.A.L.D.

1000

11-27-67

Exhibit 5

CDP 4-08-040

CDP 5-84-160

Approved Plans

BUILDING AND SAFETY DIVISION
Department of County Engineer

APPROVAL IN CONCEPT

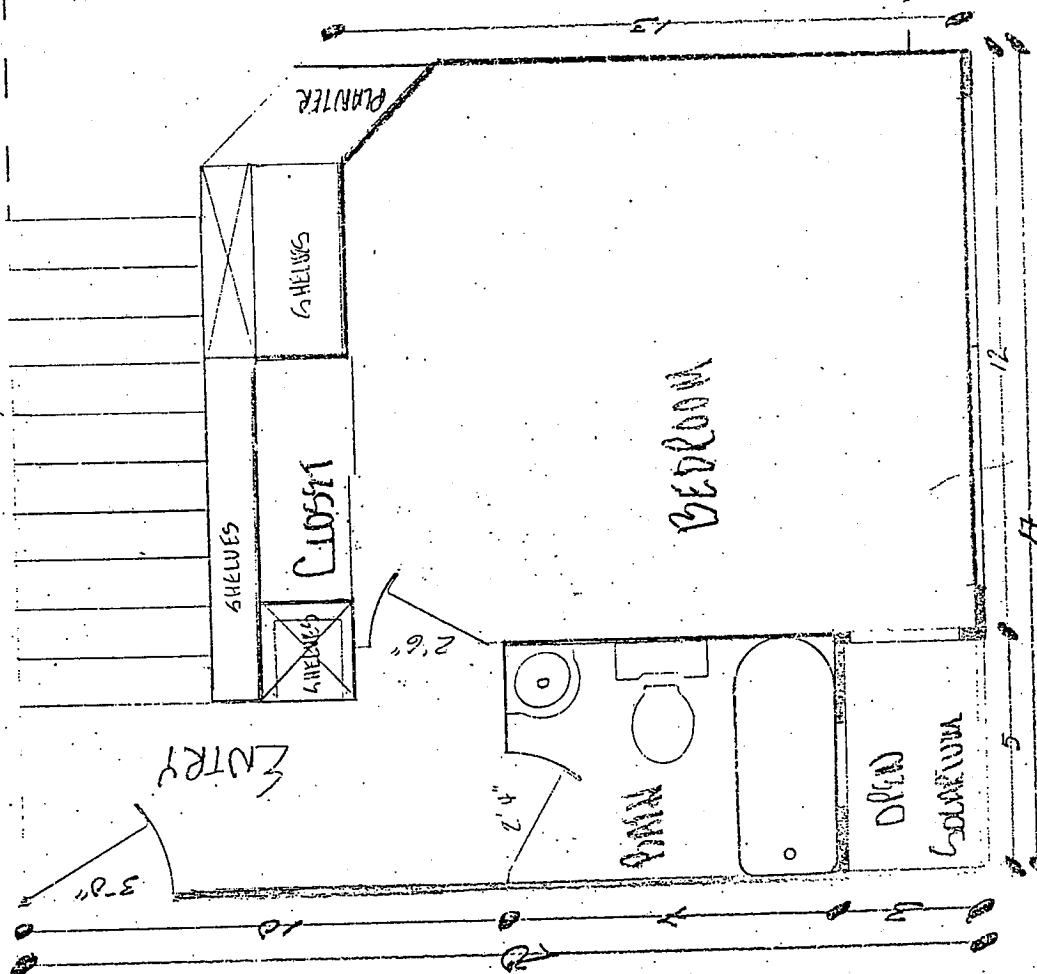
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2. 11-84

SIG. DATE FILE

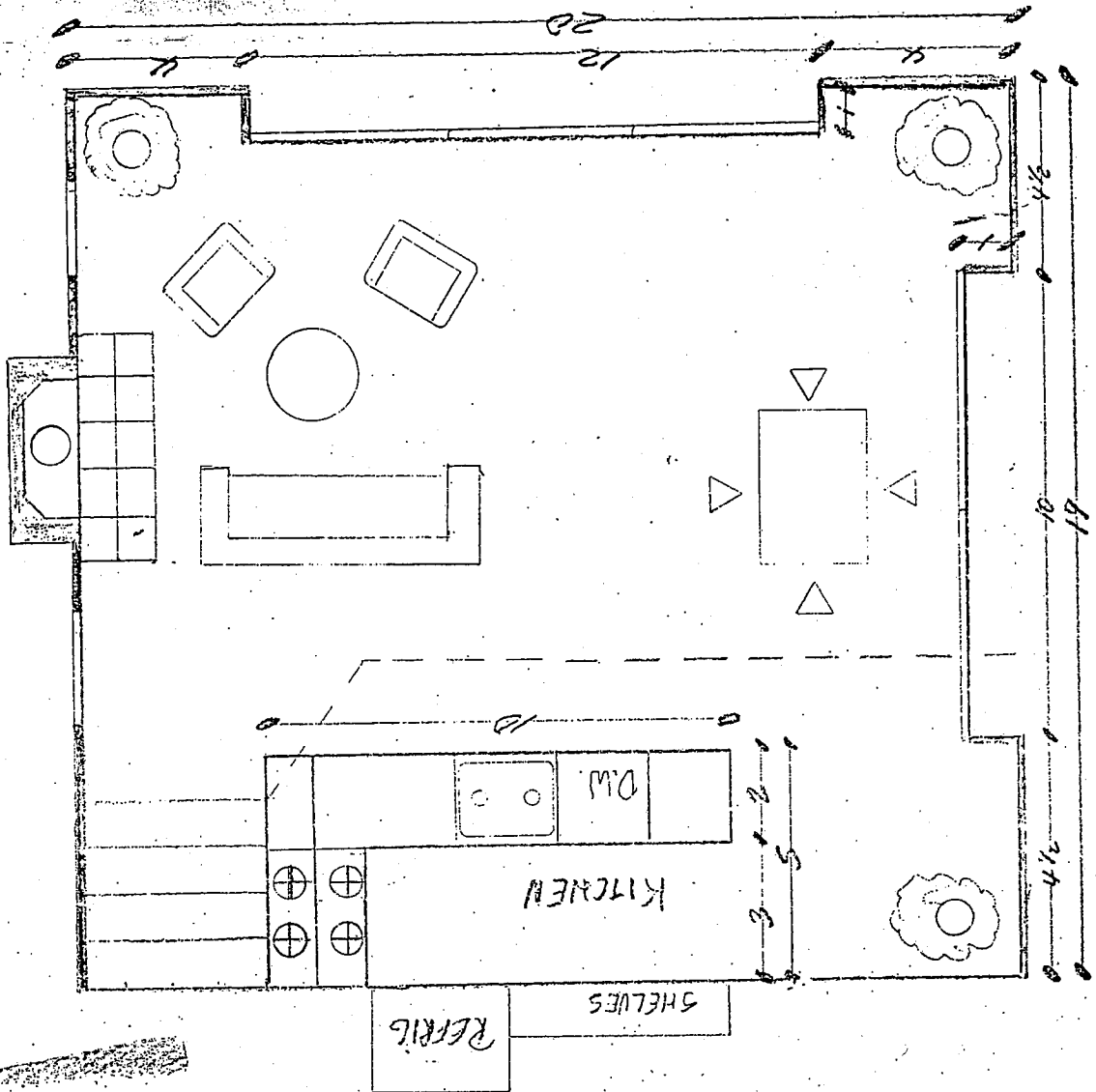
Per sec. 27.00 of chapter 10 of the
Public Safety Code and
Sec 132.00 of the
Administrative Code; State
of California for a PERMIT.

and
is subject to any conditions
listed below



SCALE 1/8" = 1'

LEVEL #2 3580



BUILDING AND SAFETY DIVISION
Department of County Engineer

APPROVAL IN CONCEPT

SIG. *2. 4-9-84*
DATE
PLAN CHECK NO.

Per sec. 27400 et seq. of the
Public Resources Code and
Sec 13210 of Title 14 of the
State Administrative Code, State
of California.
THIS IS NOT A PERMIT
and

Is subject to any conditions
listed below